XEROX

Xerox University Microfilms
Ann Arbor, Michigan 48106

WESTERN AMERICANA

Reproduced from the original in the collection of
THE HENRY E. HUNTINGTON LIBRARY AND ART GALLERY

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

OF THE DISTRICT OF SAN FRANCISCO,

From March 12th, 1849, to June 4th, 1849,

AND

A RECORD OF THE PROCEEDINGS

OF

THE AYUNTAMIENTO OR TOWN COUNCIL

OF SAN FRANCISCO,

From August 6th, 1849, until May 3d, 1850.

WITH AN

APPENDIX

Containing Official Communications and Correspondence, together with Extracts from Mexican Constitutions and Laws, relating to the Powers of Public Officers, and the Administration of Justice.

Published by order of the Board of Supervisors, of the City and County of San Francisco, 1860.

SAN FRANCISCO:
TOWNE & BACON, PRINTERS, EXCELSIOR OFFICE,
No. 125 Clay Street, corner of Sansome.
1860.

Present Board of Supervisors.

1st. District.—Chas. S. Biden.
2d " Joseph Britton.
3d " H. De la Montanya.
4th " F. W. Brooks.
5th " Dominick Gaven.
6th " H. L. Dodge.
7th " W. C. Hinckley.
8th " John S. Davies.
9th " Eugene Crowell.
10th " James Otis.
11th " F. McCoppin.
12th " John Lynch.

President of the Board of Supervisors.

H. F. TESCHEMACHER.

Clerk.

Wm. A. Wells.

INDEX.

Proceedings of the Legislative Assembly 5–46
" " Ayuntamiento............................47–220
Appendix—No. I. Inaugural Address of Hon. Horace Hawes, Prefect 221–224
No. II. Veto Message of the Prefect 224–227
No. III. Official notification of resignations 228
No. IV. Message of the Prefect communicating Governor's Proclamation...............................229
No. V. Official communication of the Prefect calling for an account of receipts and expenditures.................. 230
No. VI. Official communication from the Prefect requesting certain information.................................231
Official communication of the Prefect to Governor Burnett, transmitting the foregoing..............................232
No. VII. Official communication from the Prefect to Governor Burnett, advising him of the refusal of the Ayuntamiento to render account..............................233
No. VIII. Official communication from Governor Burnett to the Prefect, directing proceedings against the Ayuntamiento 235
No IX. Official communication from the Attorney General relative to the action against the Ayuntamiento 236
No. X. Official communication from the Attorney General to Governor Burnett 237
No. XI. Proclamation of the Prefect countermanding the sales of municipal lands 237
No. XII. Official communication from the Prefect to the

Ayuntamiento, containing a list of water lots purchased by members of the Ayuntamiento, etc 238
No. XIII. Letter of Dr. [illegible] and reply of the Hon. Horace Hawes to the same 241
No. XIV. Official communication of the Sub-Prefect in reply to the Governor's letter, declining to assume the functions of Prefect 244
No. XV. Charges and specifications presented by the Prefect to the Assembly of California, in relation to the action of the Governor and the Ayuntamiento 246
No. XVI. Remarks on the Mexican Constitution .... [illegible]
Mexican Law of 20th March, 1837 249–277
Extracts from the Bases Organicas, promulgated 12th June, 1843 278–282
Extracts from Mexican Law of 23d May, 1837, etc. 283–295

MINUTES OF PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

District of San Francisco, California.

MONDAY EVENING, March 12th, 1849.

The Legislative Assembly met at the Public Institute. Roll called, quorum found present, and Journal of the previous meeting approved. Absent members—Messrs. Grayson, Green and Smith.

The Committee on Standing Rules reported according to instruction as follows:

RULES FOR CONDUCTING BUSINESS IN THE LEGISLATIVE ASSEMBLY OF THE DISTRICT OF SAN FRANCISCO, CALIFORNIA.

RULE I. The Speaker, having taken the Chair, and a quorum being present, the Journal of the preceding meeting shall be read.

II. No member shall speak to another or otherwise interrupt the business of the House while the Journal or public papers are being read, or when any member is speaking in debate.

III. Every member when he speaks shall address the Chair, standing in his place, and when he has finished shall sit down.

IV. No member shall speak more than twice in any one debate on the same day, without leave of the House.

V. When two members rise at the same time, the Speaker shall name the person to speak; but in all cases, the member who shall first rise and address the Chair, shall speak first.

VI. When a member shall be called to order by the Speaker, or by a member, he shall sit down, and every question of order shall be decided by the Speaker, without debate, subject to an appeal to the House, and the Speaker may call for a sense of the House on any question of order.

VII. If the member be called to order by a member for words spoken, the exceptionable words shall immediately be taken down in writing, that the Speaker may be better enabled to judge of the matter.

VIII. No member shall absent himself from the service of the House without leave of the House first obtained; and in case a less number than a quorum of the House shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of the members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the House, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the public fund. The fee of the Sergeant-at-Arms, or other messenger, on being sent for an absent member, is hereby fixed at ten ($10) dollars.

IX. A list of the absent members shall be published with the Journal of each meeting.

X. No motion shall be debated until the same shall have been seconded.

XI. When a motion is made and seconded, it shall be reduced to writing, if desired by the Speaker or any member, delivered in at the table and read, before the same shall be debated.

XII. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; to postpone to a certain day; to commit, or to amend, which several motions shall have precedence in the order they stand arranged.

XIII. A motion to adjourn shall always be in order; that and the motion to lie on the table shall be decided without debate.

XIV. If the question in debate contains several points, any member may have the same divided.

XV. In filling up blanks, the largest number and the longest time shall be first put.

XVI. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House, and without debate.

XVII. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the House, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

XVIII. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof at the same or at the succeeding meeting.

XIX. The Speaker shall not vote, unless the House be equally divided, except in cases of ballot.

XX. That the House meet from day to day at the hour of 7 P. M., unless otherwise directed by the House. *But a special meeting may at any time be called by the Speaker on written application of three members.*

XXI. After the reading of the Journal the order of business shall be as follows:

1st. Petitions; 2d. Reports of Standing Committees; 3d. Reports of Select Committees; 4th. Resolutions; 5th. Engrossed Bills passed to a third reading; 6th. Bills passed to a second reading; 7th. The orders of the day.

But a motion to take up the orders of the day shall be in order at any time, and shall take precedence of all others, except the motion to adjourn.

XXII. Every petition or other paper shall be referred, of course, to its appropriate Standing Committee, without putting a question for that purpose, unless the reference is objected to by a member at the time the paper is presented.

XXIII. All resolutions and reports of Committees shall lie on the table till the next meeting for consideration.

XXIV. Every bill shall be introduced either on the report of a Committee or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; the motion shall be made, and if leave be given, the bill introduced when resolutions are called for; such motion or the bill when introduced may be committed.

XXV. Every bill shall receive three readings in the House previous to its passage, and bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

XXVI. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

XXVII. Upon the second reading of a bill, the "Speaker" shall state it as ready for commitment, amendment, or engrossment for a third reading; if committed, the question shall be whether to a Select or a Standing Committee, or to a Committee of the whole House; if to a Committee of the whole House, the House shall determine on what day; if no motion be made to commit, the question shall be, "Whether it shall be engrossed and read a third time?" If the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

XXVIII. No amendment shall be received for discussion at the third reading of any bill, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any bill, to move its commitment; and should such commitment take place, any amendment be reported by the Committee, the bill shall be again read a second time, when the question in the preceding rule shall be again put.

XXIX. Only the titles of bills and such points thereof as shall be affected by proposed amendments shall be inserted in the Journal.

XXX. The enacting clause of every bill shall be as follows: "The People of the District of San Francisco, California, represented in Assembly, do enact as follows." No bill shall become a law until it has been signed by the Speaker, and by the Recording Clerk, who shall note over his signature the day of its passage.

XXXI. The following Standing Committees, to consist of five members each, shall be appointed at the commencement of the session, with leave to report by bill or otherwise: a Committee on Ways and Means; a Committee on the Judiciary; a Committee on Expenditure; a Committee on Public Health and Police; a Committee on Public Buildings and Improvements.

XXXII. In the appointment of the Standing Committees, the House will proceed by ballot, severally, to appoint the Chairman of each Committee, and then, by one ballot, the other members necessary to complete the same, and a majority of the whole number of votes given shall be necessary to the choice of a Chairman of a Standing Committee. All other Committees shall be appointed by *viva voce*, and a plurality of votes shall make a choice, except when the House shall otherwise direct.

XXXIII. When motions are made for reference of the same subject to a Select Committee and to a Standing Committee, the question of reference to the Standing Committee shall be first put.

XXXIV. No motion or proposition for a tax or charge upon the people shall be passed at the meeting in which it is made or offered, or until after the publication of the Journal of such meeting.

XXXV. At the commencement of the session, a Recording Clerk and a Sergeant-at-Arms shall be elected by ballot, who shall receive such compensation for their services as shall be fixed by law.

XXXVI. No standing rule of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

XXXVII. The rules of Parliamentary Practice, comprised in Jefferson's Manual, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of this House.

Resolved, That the foregoing rules be adopted as the standing rules of this House. Carried *unanimously*.

The election of Standing Committees was postponed until Tuesday evening.

The Committee appointed to wait upon Major General Persifor Smith and Commodore Thomas Ap C. Jones reported progress.

On motion, Messrs. Ellis, Parker and Roach were appointed a Committee to see that the Calaboose should be cleansed and put in sufficient condition for the reception of prisoners.

On motion, the meeting adjourned until Tuesday at 7 P. M.

J. HOWARD ACKERMAN, *Clerk*.

TUESDAY EVENING, March 13th, 1849.

The Legislative Assembly of the District of San Francisco met at the Public Institute. Roll was called. Quorum present. Absent members—Messrs. Grayson and Smith. The minutes of the previous meeting were read and approved.

The house then proceeded to elect by ballot their Standing Committees, according to the order of the standing rules of the House. The result was as follows:

LIST OF STANDING COMMITTEES.

Committee of Ways and Means—H. A. Harrison, Chairman; T. H. Green, T. J. Roach.

Committee on the Judiciary—George Hyde, Chairman; G. C. Hubbard, G. F. Lemon.

Committee on Expenditures—J. C. Creighton, Chairman; W. F. Swasey, S. A. Wright.

Committee on Health and Police—A. J. Ellis, Chairman; T. J. Roach, W. M. Smith.

Committee on Public Buildings and Improvements—R. A. Parker, Chairman; A. J. Grayson, J. Montgomery.

The resolution as follows:

Resolved, That the Committee on Public Buildings and Improvements be instructed to furnish, temporarily, as Court Room for the Justices, the Public Institute, unless required for a Public School.

Which was laid *over from* the previous meeting, was taken up. On motion, the Select Committee to confer with the Judges on that subject was discharged and the resolution *passed*.

On motion, the Committee on Expenditures were instructed to have one hundred copies of the Standing Rules of the House printed for the benefit of the members, the motion at a previous meeting to have fifty copies printed being withdrawn.

Mr. Hyde gave notice, that at the next meeting he would *ask leave to bring in* a bill for the creation of the offices of Sheriff, Register of Deeds, etc., etc.

On motion, the House adjourned until Thursday evening at 7 o'clock.

J. HOWARD ACKERMAN, *Clerk*.

THURSDAY EVENING, March 15th, 1849.

The Legislative Assembly of the District met at the Public Institute. Roll called. Quorum present. Absent members — Messrs. Ellis, Hyde, Montgomery, Parker, Roach and Smith.

The minutes of the last meeting were read and approved. The Speaker presented to the House a bill in favor of Mr. Tyler amounting to twenty-five dollars, for services rendered at the late election, which was referred to the Committee on Expenditures.

Mr. Hubbard *gave notice that he would, at the next meeting,* ask leave to bring in a bill to prohibit the sale of property *belonging to the town of San Francisco.*

On motion, it was ordered that the Committee on Expenditures be instructed to furnish stationery, candles and fuel for the use of the House.

On motion, it was ordered that hereafter the hour of meeting be at 8 P. M.

On motion, the House adjourned to Saturday evening *at* 8 *o'clock.*

J. HOWARD ACKERMAN, *Clerk.*

SATURDAY EVENING, March 17th, 1849.

The Legislative Assembly of the District of San Francisco met at the Public Institute. Roll called. Quorum present. Absent members—Messrs. Grayson, Lemon, Parker *and Roach.* The minutes of the previous meeting were read and approved.

Mr. Smith gave notice, that at the next meeting he would ask leave to bring in a bill for the appointment of a Harbor Master.

Leave was then granted to Mr. Hubbard to introduce a bill prohibiting the sale of any property belonging to this town. By a vote of the

House, the rules were suspended in order to give the aforesaid bill a second reading, and the bill was made a special order of the day at the next meeting.

Mr. Hubbard gave notice that at the next meeting he would ask leave to introduce a bill to abolish the office of "Alcalde."

Mr. Hyde presented resolutions, as follows:

Resolved, That the Committee, to whom was referred the resolution with instructions to furnish the Public Institute as a Court Room, be discharged.

Resolved, That the Public Institute, by order of this House, be appropriated as a Court Room, temporarily, until suitable accommodations can be had, unless the same should be wanted for a Public School.

By a vote of the House, the rules were suspended and the resolutions carried.

On motion, it was ordered that the Committee to wait upon Commodore Jones and Major General Smith be excused from a personal interview, if they find themselves unable to obtain one with those gentlemen.

On motion, the House adjourned until Monday evening, 19th inst., at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

MONDAY EVENING, March 19th, 1849.

The Legislative Assembly of the District of San Francisco met at the Public Institute. Roll was called and a quorum found present. Absent members—Messrs. Grayson, Green, Lemon, Parker, Roach and Smith. The minutes of the previous meeting were read and approved. Leave was then granted Mr. Hubbard to bring in a bill to abolish the office of Alcalde, which, being read, was made a special order of the day at the next meeting.

On motion, Mr. Frank Ward was relieved from further duty as Treasurer, *pro tem.*

The following *bill, which was made the order of the day for this meeting,*

AN ACT TO PROHIBIT THE SALE OF TOWN OR DISTRICT PROPERTY.

Be it enacted by the People of the District of San Francisco, represented in Legislative Assembly:

1st. Any person or persons assuming the authority to sell, grant, convey or lease any lot or lots of land, surveyed or unsurveyed, belonging to the Town or District of San Francisco, are hereby forbidden to sell, grant, convey or lease any such property.

2d. Any person or persons assuming the authority to sell or dispose of any other property belonging to the Town or District aforesaid, are hereby forbidden to sell or dispose of such property.

3d. Any sales of lots or other property belonging to the Town or District aforesaid, after the passage of this Act, shall be null and void.

4th. All ordinances, laws or resolutions, which have been made by any Town Council of the Town or District aforesaid, authorising the sale of lots or other property of the Town or District aforesaid, are hereby repealed.

5th. Any person or persons who shall sell, grant, convey or lease any lot or lots of land, surveyed or unsurveyed, after the passage of this Act, or any other property belonging to the Town or District aforesaid, shall, on the conviction thereof, be confined in the Town or District Jail, for each and every offence, not less than one year, and be fined not less than five thousand dollars.

6th. This Act shall take effect immediately after its passage.

Was *then* taken up and debated, *after which*, by a vote of the House, the rules were suspended and the bill passed *on its second reading.*

On motion, it was ordered that the Clerk have one hundred copies of the Act printed and distributed by the Sergeant-at-Arms.

Messrs. Ellis, Swasey and Wright were appointed a Committee to notify the Rev. Mr. Hunt on what evenings (Wednesday and Saturday) he could have the Public Institute at his disposal for religious purposes; and also, that the Assembly would meet on Tuesday evening at 9 o'clock.

On motion, it was ordered, when this House adjourn, they adjourn to meet on Tuesday evening at 9 o'clock.

On motion, the House adjourned until Tuesday evening at 9 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

TUESDAY EVENING, March 20th, 1849.

The Legislative Assembly of the District of San Francisco met pursuant to adjournment. Roll called and quorum found present. Absent members—Messrs. Grayson, Lemon and Parker. The Journal of the previous meeting was read and approved.

The bill to abolish the office of Alcalde, which was made a special order of the day at this meeting, was then taken up, and on motion, referred to the Committee on the Judiciary with instruction to report at the present meeting. The Committee then retired, and no quorum being present, the House took a recess of twenty minutes, after which, the Committee came in, and the House being called to order, the Committee reported the bill as amended. On motion, it was ordered that the bill be engrossed for a third reading on Thursday evening.

Leave was granted Mr. Smith to bring in a bill for the appointment of a Harbor Master, which, on motion, was referred to *a Select Committee consisting of* Messrs. Smith, Green and Harrison. On motion, the House adjourned till Thursday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

Thursday Evening, March 22d, 1849.

The Legislative Assembly of the District of San Francisco met at the Public Institute. Roll called. Quorum present. Absent members—Messrs. Ellis, Green, Lemon, Parker and Roach. The Journal of the previous meeting was read and approved. The Committee appointed to notify the Rev. Mr. Hunt in reference to what evenings he might have the Institute for religious purposes, reported that they had acted according to instructions, which report was accepted.

The bill to abolish the office of Alcalde, with the amendments proposed at last meeting, and which was engrossed for a third reading on this evening, was taken up, debated and "*passed* unanimously," viz:

AN ACT TO ABOLISH THE OFFICE OF ALCALDE OF THE DISTRICT OF SAN FRANCISCO.

Be it enacted by the People of the District of San Francisco, represented in Legislative Assembly:

Section 1. That all powers, which are now vested in the office of Alcalde, shall cease to be in force in the Town and District of San Francisco.

Sec. 2. That the office of Alcalde, in the Town and District aforesaid, shall be and the same is hereby abolished.

Sec. 3. That Myron Norton, Esq., having received the highest number of votes at the election of Justices, held on the twenty-first of February, of the present year, shall be and he is hereby appointed, authorized and empowered to act as, exercise and execute the power, duty and office of Police Magistrate of the Town and District of San Francisco for the time being, and to receive from the Alcalde all books, records, papers and documents whatsoever relating to his office and belonging to the said Town and District in his possession, who shall safely keep the same, until otherwise directed by this Legislative Assembly.

Sec. 4. That the said Alcalde is hereby authorized to deliver all such books, records, papers and documents whatsoever mentioned in the preceding section, unto the said Police Magistrate.

SEC. 5. That a copy of this Act, after its passage and after it shall have received the signatures of the Speaker and Clerk, shall be given to such person or persons who now hold said office or offices.

SEC. 6. That the said Police Magistrate shall commence the exercise of his duties on the twenty-fifth day of March, A. D. 1849, and he is hereby empowered to appoint two or more Policemen, who shall be and are hereby empowered to arrest any person or persons upon a warrant issued by the said Magistrate.

SEC. 7. That all ministerial officers, Constables, Sheriffs and other officers, established by the said Alcalde, are hereby abolished; and all persons exercising the authority of the said offices or either of them, by his appointment, are hereby declared dismissed, and if assuming to serve any writ or process within this District, except by order and under the authority of the said Police Magistrate and Justices of the District, they shall, upon conviction thereof before any Justice, be fined in the sum of one hundred dollars, to the use of the District, with costs, and in damages to the party grieved.

SEC. 8. That any person or persons assuming to issue any writ or process within this District, other than the said Police Magistrate and Justices of the District, from and after the twenty-fifth day of March, A. D. 1849, shall, upon conviction thereof before any Justice other than the Police Magistrate, be fined in a sum not more than five hundred dollars nor less than one hundred dollars, one-half to the informer, the remainder to the use of the District.

SEC. 9. That this Act shall take effect from and after the twenty-fifth day of March, *inst.*

On motion, the House adjourned until Friday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

FRIDAY EVENING, March 23d, 1849.

Legislative Assembly of the District of San Francisco met at the Institute. Roll called. No quorum present. Absent members—Messrs. Creighton, Ellis, Grayson, Green, Harrison, Lemon, Montgomery, Parker, Roach, Swasey and Smith.

In consequence of which the meeting adjourned until Saturday evening at 8 *o'clock.*

J. HOWARD ACKERMAN, *Clerk.*

SATURDAY EVENING, March 24th, 1849.

The Legislative Assembly of the District of San Francisco met at the Public Institute. Roll called; quorum present. Absent members—Messrs. Ellis, Grayson, Lemon and Parker.

The minutes of the previous meeting were read and approved.

A communication from Daniel E. Tyler was then read, in reference to the payment of his bill, amounting to $25, for services rendered as Clerk at the late election, and upon motion referred to the Committee on Expenditures, with instructions that it should be paid by subscription.

The Committee to act as regards the appointment of a Harbor Master, then presented a bill in reference to that matter, which was ordered to its second reading.

Mr. Hyde then presented the following resolutions, which, *according to the rules, lay* over until the next meeting.

Resolved, That the Committee of Expenditures be constituted a Select Committee, to audit the accounts of T. M. Leavenworth, the *late* Alcalde of this District, with the said District and Town of San Francisco.

Resolved, That the said Committee be instructed to notify in writing, with a copy of the resolutions, the said Alcalde of a time and place to meet for the purpose designated in the preceding resolution.

On motion, it was ordered that the account of the Sergeant-at-Arms be referred to the Committee on Expenditures for payment.

On motion, *the rules being suspended, rule No.* 20 *was so altered as to make the regular meetings of the Assembly to be on* Monday and Thursday evenings of each week at 8 o'clock.

The Committee of Ways and Means were, on motion, ordered to bring in a bill *for* raising a revenue for the District.

On motion, the House adjourned until Monday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

MONDAY EVENING, March 26th, 1849.

The Legislative Assembly of the District of San Francisco met pursuant to adjournment. Roll called. Quorum present. Absent members—Messrs. Ellis, Grayson, Lemon, Montgomery and Parker. Minutes of the previous meeting were read and approved.

The Committee on the Judiciary *reported* a bill to establish the office of the District Attorney.

The Committee on Expenditures *reported* a bill to fix the salaries of the Recording Clerk and the Sergeant-at-Arms.

The Committee on the Code of Laws then presented the Code, which they thought well adapted to the District. After reading numerous extracts therefrom, the rules were suspended and the following resolution *adopted:*

Resolved, That the Committee on the Code of Laws be, and they are hereby authorized and empowered to employ suitable Clerks to engross the Code now presented for information to this House.

The resolutions, presented at the last meeting, in reference to the auditing the accounts of T. M. Leavenworth with this Town and District, were *taken up and adopted.*

The bill for the appointment of a Harbor Master was then referred back to the Committee, with instructions to fill up the blanks, *and to establish a rate of fees.*

By a unanimous vote of the House, the rules were suspended, and the bill to *establish* the office of District Attorney was *read a second and third time and passed.*

An election took place, and C. T. Botts was elected by ballot to fill the said office.

Messrs. Hyde, Swasey and Wright were appointed a Committee to inform that gentleman of the fact of his being elected.

The following resolution was then *adopted, the rules being suspended for that purpose:*

Resolved, That the Committee on Public Buildings and Improvements be and are hereby instructed to report a bill to this House as soon as practicable for the construction of a public wharf at the foot of such street as they may deem most convenient for vessels to discharge and receive their cargoes.

On motion, the House adjourned until Thursday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

THURSDAY EVENING, March 29th, 1849.

The Legislative Assembly of the District of San Francisco met pursuant to adjournment. Roll called. Quorum present. Absent members—Messrs. Grayson, Green, Parker, Smith and Wright. The Journal of the previous meeting was read and approved. The Committee on Ways and Means then *reported* a bill for raising a revenue to defray the expenses of the District.

The Select Committee to wait upon Gen. Smith and Commodore Jones presented a letter from the former gentleman, which, *after being read*, on motion, was referred back to the said Committee to frame a *reply*, subject to the approval of the House.

The Committee, appointed to notify C. T. Botts of his being elected as District Attorney, read a letter from him declining the office.

The bill to fix the salaries of the Recording Clerk and Sergeant-at-Arms was read a second time and passed to its third reading.

The bill to establish a revenue was taken up and read a first time, and on motion, referred back to the Committee on Ways and Means *for amendment and additions*, to report at the next regular meeting.

The House then proceeded to elect, by ballot, a District Attorney, (Mr. Botts having declined the office) and after counting the votes, the Speaker declared Mr. George Hyde unanimously elected. Mr. Hyde expressed his thanks to the House, and stated that he thought if he accepted the office of District Attorney that he should resign his seat in the House, it being a matter of delicacy with him. Whereupon, the following resolutions were adopted:

Resolved, That this House urge upon George Hyde, Esq., the acceptance of the office of District Attorney, to which he has been unanimously elected.

Resolved, That in the opinion of this House, there will be no impropriety in the District Attorney continuing to be a member of the Legislative Assembly.

On motion, the House adjourned until Monday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

MONDAY EVENING, April 2d, 1849.

Pursuant to adjournment, the Legislative Assembly met at the Public Institute. Roll called, and Messrs. Ellis, Grayson, Green, Harrison, Hyde, Lemon, Parker, Roach and Smith being absent, a quorum was not present. The House, on motion, sent the Sergeant-at-Arms for the absent members, who, on his return, reported that he had found Mr. Parker only, who pleaded indisposition. The House, on motion, adjourned until Tuesday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

TUESDAY EVENING, April 3d, 1849.

The Legislative Assembly of the District met at the Public Institute. Roll called. No quorum, and the Sergeant-at-Arms dispatched after all absent members—being Messrs. Ellis, Grayson, Green, Harrison, Hubbard, Lemon, Parker and Swasey.

The Sergeant-at-Arms returned; reported that he could only find Mr. Parker, who again plead illness. In the meantime, Messrs. Hubbard and Swasey coming in, a quorum was found present and the House proceeded to business. *The Journals of the two preceding meetings were read and approved.*

The bill to establish office of Harbor Master was then read a second time. On motion, the rule suspended, and bill *was read a third time and passed.* It was ordered that the Recording Clerk have two hundred copies of the Act printed.

On motion, the House proceeded to elect, by ballot, a person to fill the above named office, after which, the Speaker declared Capt. E. A. King to be duly elected, and Messrs. Swasey, Smith and Roach were appointed, *viva voce*, a Select Committee to wait upon Capt. King and inform him of his election.

The Committee to audit the accounts of the late Alcalde with this town, reported a verbal communication from that person, to the effect that the accounts were not quite ready, and that he would report in writing in a few days.

The bill to fix the salaries of the Recording Clerk at ten dollars for every regular meeting, and the Sergeant-at-Arms at five dollars, was then taken up and passed.

On motion, the House adjourned until Thursday evening at 8 o'clock.

J. HOWARD ACKERMAN, *Clerk.*

SATURDAY EVENING, April 7th, 1849.

The Assembly met pursuant to adjournment. Absent members—Messrs. Green, Harrison, Lemon, Parker, Roach, Smith, Swasey and Wright. On motion, Alfred A. Green was appointed Acting Clerk of the House until an election should take place.

A quorum not being present, on motion, the Sergeant-at-Arms was dispatched after absent members, who on his return reported that he had found only Messrs. Grayson and Green, and that Mr. Green excused himself on account of business.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

MONDAY EVENING, April 9th, 1849.

The Assembly met pursuant to adjournment. Roll called. Quorum present. Absent members—Messrs. Creighton, Grayson, Green, Harrison, Lemon and Parker. The Journal of the previous meeting was read and approved. On motion, Mr. Wright was excused *for* non-attendance *at a previous meeting.*

The bill for raising a revenue to defray the expense of the District was then read a second time.

Messrs. Hyde, Swasey and Smith were elected as a Committee to make an amendment, *with respect to auction sales*, and report immediately. In the meantime, the House took a recess; *after which*, on motion, the bill was reported *back* by the Committee *amended*. Messrs. Hyde, Swasey and Ellis were elected a Committee to *have the bill* engrossed. On motion, the Revenue Bill and Code of Laws was made the *special order of the day* for to-morrow evening.

The following *resolution* was then *offered by Mr. Swasey:*

Resolved, That in the opinion of this Assembly, the continued absence of some of its members shows a lack of duty towards the people and a disrespect to this body.

Mr. Roach, in accordance with previous notice, moved for leave to bring in a bill to incorporate a Joint Stock Company for the purpose of building a wharf at San Francisco. The bill was read by its title and referred to a Select Committee consisting of Messrs. Roach, Harrison and Ellis.

On motion, leave of absence was granted to Mr. Smith.

On motion the House adjourned until Tuesday evening, the eighth instant.

ALFRED A. GREEN, *Acting Clerk*.

TUESDAY EVENING, April 10th, 1849.

The Legislative Assembly of the District met pursuant to adjournment. Absent members—Messrs. Grayson, Green, Lemon, Parker and Roach.

On motion, the House took up the Revenue Bill, it being the order of the day, *and* the Committee having reported it engrossed. After a debate, in which several amendments were made, the bill was passed. Moved that the Clerk have five hundred copies of the Act printed as *soon* as possible; and that the Sergeant-at-Arms be employed to post fifty copies of the said Act about *the* Town. Carried.

The Code of Laws was then taken up, and the following Acts, after considerable discussion, were passed:

An Act to establish a Justices' Court for the trial of causes.
An Act to regulate the practice in the Courts of Law.
An Act relative to Guardians.
An Act respecting bail in Civil Actions.
An Act relative to Indictments.
An Act respecting the office of Treasurer.
An Act constituting a Criminal Court for the District of San Francisco.
An Act to establish a Court of Appeals in the District of San Francisco.
An Act respecting Conveyances.
An Act concerning Witnesses.
An Act directing *the* Clerks of Courts to make returns to the Treasurer of amercements, fines and forfeitures.
An Act to prevent, in certain cases, the abatement of suits and reversal of Judgments.
An Act relative to *Habeas Corpus*.
An Act relative to Juries and Verdicts.
An Act creating the office of Sheriff.
An Act relative to Actions of Account.
An Act defining and instituting actions in general, *defining crime and the punishment thereof*, and for other purposes.
An Act relative to Administrators.
An Act relative to Costs.
An Act to establish the office of Register in the District of San Francisco.
An Act to establish the rate of Salaries.
An Act concerning Executors and the Administration and Distribution of Intestate Estates.

Mr. Hyde gave notice, that at the next meeting he would ask leave to bring in a bill for the purpose of calling an election of certain officers by the people.

The following resolution was read and adopted unanimously:

Resolved, That in the opinion of this Assembly, the continued absence of some of its members shows a lack of duty toward the people and disrespect to this body.

Moved that the District Attorney be *requested* to take the oath of office immediately. Carried.

The House then adjourned.

ALFRED A. GREEN, *Acting Clerk.*

THURSDAY EVENING, April 11th, 1849.

The Legislative Assembly met pursuant to adjournment. Quorum present. Absent members—Messrs. Green, Harrison, Lemon, Parker, Smith and Swasey—Mr. Smith being excused.

The Journal of the preceding *meeting* was read and approved. On motion, Mr. Grayson was excused for non-attendance at a previous meeting.

Mr. Hyde, in accordance with previous notice, moved for leave to bring in a bill, entitled, "An Act respecting Elections." The bill was read and passed to a second reading.

The following resolutions were offered by Mr. Hyde and taken up, the rules being suspended for that purpose:

Resolved, That ——— be and he is hereby appointed the President Judge of the Appeal Court of the District of San Francisco.

Resolved, That ——— be and he is hereby appointed the President Judge of the Orphan's Court of the District of San Francisco.

Resolved, That ——— be and he is hereby appointed President Judge of the Criminal Court of the District of San Francisco.

Moved that the blanks be filled separately, by ballot. Carried.

The blanks were accordingly filled by ballot, as follows:
The first resolution—Wm. M. Stewart.
The second resolution—Theron R. Perley.
The third resolution—Myron Norton.
The resolutions were then adopted.

An Act prohibiting the making of fires in the streets, squares and vacant lots of San Francisco, was read and passed to a third reading.

The following resolution was *offered by Mr. Ellis:*

Resolved, That a Committee of three be appointed by this House to wait upon Mr. R. A. Parker and ascertain from him if he intends sitting any longer as member of this body, and if not, to request him to tender his resignation immediately.

Lies on the table for one meeting.

The House then adjourned.

ALFRED A. GREEN, *Acting Clerk.*

MONDAY EVENING, April 16th, 1849.

The Assembly met. No quorum. Absent members—Messrs. Ellis, Grayson, Green, Harrison, Lemon, Montgomery, Parker, Smith, Swasey and Wright—Mr. Smith being excused.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

THURSDAY EVENING, April 19th, 1849.

The Assembly met pursuant to adjournment. No quorum. Absent members—Messrs. Ellis, Grayson, Green, Hyde, Lemon, Montgomery, Parker, Roach, Smith and Swasey.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

MONDAY EVENING, April 23d, 1849.

The Assembly met pursuant to adjournment. Absent members—Messrs. Grayson, Lemon, Montgomery, Parker, Smith and Swasey—Mr. Smith being excused.

The Journal of the previous meetings were read and approved.

A communication was read from Mr. Isaac Montgomery, announcing that he would be necessarily absent from town for a short time. Ordered to be placed on the file.

On motion, the House took up the bill entitled, "An Act respecting Elections." An additional section was then added to the bill, and an amendment made, after which, it passed to a third reading.

On motion, the bill was again taken up, the rules being suspended for that purpose, and passed, after having been read for the third time.

On motion, Messrs. Perlee, Gillespie and Owens were appointed to receive the votes at the election for Judges and Inspectors of Election to take place on Saturday, the twenty-eighth day of April, A. D. 1849.

Moved that one hundred copies of the law be printed and posted about town by the Sergeant-at-Arms. Carried.

Mr. Roach gave notice, that at the next meeting he would ask leave to bring in a bill for the appointment of a Health officer.

An Act prohibiting the making of fires in the streets, squares and vacant lots of San Francisco, was read a third time and passed.

Moved that a Committee of three be appointed, with power to contract with the proprietors of the Alta California for the immediate printing of the Revenue Bill; and that the same Committee be authorized to make a loan of five hundred dollars to defray expenses until a revenue may be collected. Carried.

[N. B. The last preceding motion is partially erased in the original from and including the words "Moved" to "Bill."]

The following gentlemen were then appointed a Committee for the purpose: Messrs. Owens, Harrison, Wright and Ellis.

Rules suspended, Messrs. Roach, Hyde and Green were appointed a Committee to wait upon Mr. Grayson to learn from him the cause of his not attending to the duties of this Assembly.

The House then adjourned until Thursday evening, the twenty-sixth instant.

ALFRED A. GREEN, *Acting Clerk.*

THURSDAY EVENING, April 26th, 1849.

The Assembly met pursuant to adjournment. Roll called. No quorum. Absent members—Messrs. Creighton, Grayson, Green, Hubbard, Lemon, Montgomery, Parker, Smith and Swasey—Mr. Smith being excused.

The Sergeant-at-Arms was dispatched after absent members, who, on his return, brought with him Messrs. Hubbard and Creighton. A quorum being found present, the Journal of the previous meeting was read and approved.

The Committee on Judiciary reported a bill entitled, "An Act to incorporate the Central Wharf Joint Stock Company of San Francisco," which was read and passed to a second reading.

Moved that when the House adjourn, it adjourn until to-morrow evening. Carried.

On motion, the above bill was made the special order of the day for to-morrow evening.

The Committee appointed to wait upon Mr. Grayson reported that he pleaded illness as the cause of his continued absence.

Mr. Hyde then offered the following resolution:

Resolved, That the people of this District be recommended to take preliminary steps for increasing the number of Representatives in the Legislative Assembly to twenty-five, including fifteen heretofore elected.

On motion, the House adjourned.

ALFRED A. GREEN, *Acting Clerk.*

FRIDAY EVENING, April 27th, 1849.

The Assembly met pursuant to adjournment. No quorum. Absent members—Messrs. Grayson, Green, Harrison, Lemon, Montgomery, Parker, Smith and Swasey.

The Sergeant-at-Arms was dispatched after absent members. In the meantime, the House took a recess.

The Sergeant-at-Arms, on his return, reported that Mr. Green was sick, and that Mr. Grayson made business his excuse.

On motion adjourned.

ALFRED A. GREEN, *Acting Clerk.*

MONDAY EVENING, April 30th, 1849.

The Assembly met pursuant to adjournment. No quorum. Absent members—Messrs. Creighton, Ellis, Grayson, Green, Hubbard, Lemon, Montgomery, Parker, Smith, Swasey and Wright.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

THURSDAY EVENING, May 3d, 1849.

The Assembly met pursuant to adjournment. Quorum present. Absent members—Messrs. Grayson, Lemon, Montgomery, Parker, Swasey and Wright.

The Journals of the previous meetings were read and approved.

Mr. Roach presented a petition from the Watermen of San Francisco, praying for the establishing of a license upon *Watermen*, which was referred to the Committee on Ways and Means, with instructions to report a rate *of* charges in connection with the bill.

Mr. Hyde presented a bill from the Sergeant-at-Arms for services rendered to the House, which was referred to the Committee on Expenditures.

Mr. Roach presented a petition signed by a large number of citizens, praying that the late election might be set aside, on the ground that the Judges not having been sworn in, and another ordered in its place. On motion, it was referred to a Select Committee consisting of Messrs. Smith, Creighton and Green. The Speaker laid before the House the returns of the late election, which, on motion, were referred to the above Select Committee.

Mr. Hyde offered the following resolutions:

WHEREAS, The necessary business of this Legislative Assembly has been frequently delayed, to the detriment of the good people of this District, by reason of the absence and non-attendance of its members; and whereas, it is believed that if ten new members be added, a quorum may be obtained for the transaction of business, therefore,

Resolved, That the people of the District of San Francisco be requested, at the next election to be held in this District, to vote for ten new members to said body, who shall be qualified to their office at the next meeting of the Assembly succeeding the close of the election.

Resolved, That the people be requested to signify on their respective votes at the said election, by the words "Aye" or "No," their consent or dissent that the ten new members be added, and if it be found that a majority be expressed in favor thereof, the members elect to be qualified and take their seats, and not otherwise.

On motion, the House took up the bill, entitled, "An Act to incorporate the Central Wharf Joint Stock Company of San Francisco," which, after numerous amendments had been made in, passed to a third reading. On motion, the rules of the House were suspended and the bill again taken up and passed, after having been read for the third time.

The resolutions of Mr. Hyde, respecting the election of new members for the Legislative Assembly, were adopted; blanks filled.

On motion, it was ordered, that the Recording Clerk have the above resolution printed in the next number of the Alta California.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

MONDAY EVENING, May 7th, 1849.

The Assembly met pursuant to adjournment. Absent members—Messrs. Grayson, Lemon, Montgomery, Parker, Smith, Swasey and Wright.

The Journal of the previous meeting was read and approved.

The Committee on Judiciary reported a bill of fees for the offices of Treasurer, Register, Sheriff and District Attorney, which was referred to a Select Committee, with instructions to fill blanks in the bill of the District Attorney. Messrs. Harrison, Roach and Ellis were appointed the Committee.

The Committee, appointed to examine into the late election, reported the same to be illegal on account of the Judges not being sworn.

The Committee on Ways and Means reported a bill, entitled, "An Act to amend an Act, entitled, an Act to incorporate the Central Wharf Joint Stock Company of San Francisco," which was passed to a second reading.

Mr. Hyde offered the following resolutions:

Resolved, That the election of May 1st, held in this District for the office of Treasurer, Register and Sheriff, is hereby declared to have been illegally conducted, and is therefore set aside.

Resolved, That the Recording Clerk, under the supervison of the Speaker, is hereby authorized to advertise a new election for said offices to take place on Friday, May 11th, 1849.

On motion, the rules were suspended and the resolutions taken up and adopted.

Mr. Creighton offered the following resolution:

Resolved, That the words in favor of an addition of ten to the number of the Assembly, or against the addition of ten to the number of the Assembly, be the form to be printed on the votes at the next election.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

THURSDAY EVENING, May 10th, 1849.

The Assembly met pursuant to adjournment. No quorum. Absent members—Messrs. Creighton, Grayson, Green, Hubbard, Hyde, Lemon, Montgomery, Parker, Roach, Smith, Swasey and Wright.

On motion, adjourned.

ALFRED A. GREEN, *Acting Clerk.*

MONDAY EVENING, May 14th, 1849.

The Legislative Assembly of the District of San Francisco met pursuant to adjournment. The following members elect, having presented themselves, were duly sworn by Judge Norton, viz: Messrs. W. A. Buffum, E. G. Buffum, Alfred A. Green, Theodore Smith, C. R. V. Lee, S. Russell Gerry and J. M. Huxley.

A letter was read from Alfred A. Green, tendering his resignation as Acting Clerk, which, on motion, was accepted. The House then proceeded to the election, by ballot, of a Recording Clerk to fill the vacancy, which resulted in the choice of Archibald Roane by a unanimous vote.

On motion, the House then adjourned to meet on the evening of Tuesday, May 15th.

ARCHIBALD ROANE, *Recording Clerk.*

TUESDAY EVENING, May 15th, 1849.

The Assembly met pursuant to adjournment. Absent members—Messrs. Creighton, Grayson, T. Green, Gerry, Hubbard, Lemon, Montgomery, Parker, Roach, Swasey and W. Smith.

The minutes of the preceding evening were read and approved.

The returns of the late election were read, and on motion, placed on file.

Mr. Burke, member elect, presented himself and was duly sworn by Judge Stewart.

On motion, the execution of the bond of the Sheriff elect was postponed until Thursday evening, May 17th.

An Act to amend an Act, entitled, "An Act to incorporate the Central Wharf Joint Stock Company of San Francisco," was read, and on motion, was laid on the table.

Mr. A. A. Green moved to appoint a Committee of three to contract for publishing the Revenue Law and Journals of the House. Carried.

Messrs. Harrison, W. A. Buffum and Wright were appointed on the Committee.

On motion, the House then adjourned.

ARCHIBALD ROANE, *Recording Clerk.*

THURSDAY EVENING, May 17th, 1849.

The Legislative Assembly met at the Public Institute pursuant to adjournment. Quorum present. Absent members—Messrs. Creighton, Ellis, Grayson, T. Green, Gerry, Hubbard, Harrison, Hyde, Lemon, Lee, Montgomery, Parker, Swasey and W. Smith.

Mr. W. A Buffum, from the Committee appointed to contract for publishing the Revenue Law and Journals of the House, reported that the contract had not yet been completed, but that the Revenue Bill would be published during the ensuing week. On motion, the report was accepted.

On motion, the rules were suspended to take up the following resolutions offered by Mr. W. A. Buffum, viz:

Resolved, That the thirty-first Standing Rule of this House be so amended as to make each Standing Committee consist of *five* instead of three members.

Resolved, That the thirty-second Standing Rule of this House be so amended, as that all Select Committees shall be appointed *viva voce*, except where the House shall otherwise direct.

Resolved, That the thirty-fourth Standing Rule of this House be amended by striking out the word "*discussed*," and inserting the word "passed" in lieu thereof.

All of which were unanimously adopted.

On motion, the House then proceeded to elect by ballot the two additional members to the Standing Committees, which resulted in the choice of the following gentlemen:

Ways and Means—E. G. Buffum, W. A. Buffum.
Judiciary—T. Smith, S. Russell Gerry.
Public Buildings and Improvements—W. A. Buffum and J. M. Huxley.

On motion, the election of members to the remaining Standing Committees was postponed until next meeting.

A motion was made to appoint a Treasurer *pro tem*, until the return of the Treasurer elect, and after considerable discussion was postponed indefinitely.

Mr. W. A. Buffum then offered the following resolution, which was unanimously adopted:

Resolved, That the Committee on Public Buildings and Improvements be instructed, and they are hereby authorized to hire such buildings or rooms as shall be deemed necessary, for the use of the Judges as a Court Room, and for offices for the Register, Sheriff and Treasurer of this District, and to report thereon at the next meeting of this Assembly.

On motion, the rules were suspended, and leave granted to introduce "An Act to amend an Act entitled An Act creating the office of Sheriff," and an Act to amend an Act entitled "An Act to establish the office of Register for the District of San Francisco."

On motion, the rules were suspended, and the bill passed to a second reading. On motion, the rules were again suspended, the bill was read a third time and passed.

The House took a recess of fifteen minutes, at the expiration of which the House was called to order, and, on motion, reconsidered its vote in relation to that clause of the Act just passed, fixing the amount of the official bond of the Sheriff.

The sureties offered by the Sheriff and Register elect, having been approved by the House, their bonds were executed, and the Sheriff elect duly sworn by the Speaker.

On motion, the bill to amend the charter of the "Joint Stock Wharf Company of San Francisco" was taken up, and after some discussion was postponed until next meeting.

On motion, House adjourned.

ARCHIBALD ROANE, *Recording Clerk.*

MONDAY EVENING, May 21st, 1849.

The Assembly met at the usual place. Quorum present. Absent members—Messrs. Burke, Creighton, Grayson, Hubbard, Harrison, Hyde, Huxley, Lemon, Lee, Montgomery, Parker, Roach, Swasey and W. Smith.

The resignation of Mr. R. A. Parker was offered, and on motion, accepted.

Mr. W. A. Buffum, from the Committee on Public Buildings and Improvements, reported that the Committee had succeeded in hiring rooms for the use of the Judges, Register, Sheriff, etc. The contract entered into was read, and on motion, approved by the House.

Mr. A. A. Green gave notice that, at the next meeting, he would introduce a bill providing for the appointment of a Collector of Taxes for the District of San Francisco.

The following resolution was introduced by Mr. W. A. Buffum, and on the rules being suspended, was adopted by the House, viz:

Resolved, That the Committee on Public Buildings and Improvements be and they are hereby authorized to contract for furnishing, and they are hereby authorized to furnish, the rooms of the Judges, Register and Sheriff, and order the bills to be sent into this Assembly for payment.

The bill to amend the charter of the "Central Wharf Joint Stock Company" was taken up and lost. On motion, the vote was reconsidered and the bill laid on the table.

On motion, the filling up of the Standing Committees was postponed indefinitely.

On motion, House adjourned.

A. ROANE, *Recording Clerk.*

TUESDAY EVENING, May 22d, 1849.

The Assembly met pursuant to a special call. Quorum present. Absent members—Messrs. Burke, Ellis, Grayson, Hyde, Lemon, Montgomery, Swasey, W. Smith and Wright.

The Act to amend an Act, entitled, "An Act to incorporate the Central Wharf Joint Stock Company of San Francisco," was taken up, and after considerable discussion, was passed.

Leave being granted, Mr. A. A. Green, pursuant to notice, introduced an Act, entitled, "An Act creating the office of Collector of Taxes." On motion, the bill passed to a second reading.

Mr. W. A. Buffum reported a bill from the Committee of Ways and Means, entitled, "An Act to amend an Act for the collection of revenue." On motion, the bill passed to a second reading, and was recommitted to the Committee of Ways and Means.

Mr. E. G. Buffum gave notice that at the next meeting, he would introduce a bill amending the Revenue Act.

On motion, the Clerk was instructed to have the printing of the Revenue Bill suspended until further notice.

On motion, the House then adjourned.

A. ROANE, *Recording Clerk.*

THURSDAY EVENING, May 24th, 1849.

The Assembly met pursuant to adjournment. Quorum present. Absent members—Messrs. Burke, Creighton, Grayson, T. Green, Hyde, Huxley, Lemon, Montgomery, Swasey, W. Smith, T. Smith and Wright.

A petition was presented praying the use of the new Court Room on the Sabbath for the benefit of the Presbyterian Church of San Francisco.

On motion, the prayer was granted, and the Clerk instructed to give official notice of the fact to the parties concerned. The following communication was handed in, which, on motion, was placed on file:

SAN FRANCISCO, May 24th, 1849.

To the Legislative Assembly of San Francisco:

At a meeting of the Stockholders of the Central Wharf Joint

Stock Company, held last evening, the following resolutions were unanimously passed:

Resolved, That the Act entitled An Act to incorporate the Central Wharf Joint Stock Company of San Francisco, passed May 3d, 1849, by the Legislative Assembly of this District, and also an Act entitled An Act to amend An Act to incorporate the Central Wharf Joint Stock Company of San Francisco, be and the same are hereby accepted by this Company.

Resolved, That a copy of these resolutions, duly certified by the Chairman and Secretary, be communicated without delay to the Legislative Assembly of this District.

We hereby certify that the above is a true copy of the original resolutions.

(Signed) J. L. FOLSOM, *Chairman*.

A. M. VAN NOSTRAND, *Secretary*.

Mr. E. G. Buffum introduced a bill from the Committee of Ways and Means, entitled, "An Act to amend an Act, entitled an Act for the collection of revenue." On motion, the rules were suspended, the bill was read a second and third time and passed.

On motion of Mr. Gerry, one thousand copies of the Revenue Bill, just passed, were ordered to be printed in the form of posters, the usual number to be posted; and also, to print the same in the newspaper, provided it be published in the next regular number.

Mr. W. A. Buffum gave notice that he would introduce a bill relating to elections.

Mr. Roach, from Special Committee, reported a Fee Bill, which passed to a second reading. On motion, the bill was laid on the table.

The rules were suspended and the following resolution, offered by Mr. E. G. Buffum, was adopted:

Resolved, That the Committee on Public Buildings and Improvements be and are hereby instructed to procure a room in this District for a Jail, and that in the emergency of their not being able to procure one suitable for that purpose, they be instructed to report as soon as possible upon the facilities and probable cost of erecting a Jail.

Mr. Ellis gave notice that he would introduce a bill relating to the office of the Register, Sheriff and Treasurer.

Mr. Green gave notice of introducing a bill taxing emigrants.

On motion, the Act entitled An Act creating the office of Collector, was taken up and laid on the table.

On motion, the House then adjourned.

A. ROANE, *Recording Clerk.*

MONDAY EVENING, May 28th, 1849.

The Assembly met as usual. Quorum present. Absent members—Messrs. Creighton, Ellis, Grayson, T. Green, Harrison, Hyde, Lemon, Montgomery, Roach, Swasey, W. Smith and T. Smith.

A petition was presented from —— Agnew, praying for lease for three years of wharf at the foot of Broadway.

On motion, the petition was referred to a Select Committee consisting of Messrs. Lee, Burke and A. A. Green.

A petition was presented from David Dring, praying leave to construct a wharf at the foot of Broadway under such restrictions as the House might propose. *Referred to Committee of Public Buildings and Improvements.*

Mr. R. A. Parker and Stephen Wright were offered as sureties for John S. Owens, the Treasurer elect, which, on motion, were approved by the House.

Mr. W. A. Buffum, from the Select Committee for publishing Revenue Act, reported that the number of copies ordered had been printed, and asked to be discharged, which, on motion, was granted.

Mr. E. G. Buffum, from the Committee of Ways and Means, reported a bill, entitled, "An Act for licensing Boatmen." On motion, the rules were suspended, the bill read a second and third time and passed. On motion, fifty copies of the bill were ordered to be printed.

Mr. Hubbard then offered his resignation as member of the Assembly, which, on motion, was accepted.

On motion of Mr. W. A. Buffum, the Fee Bill was taken up and read a second time, and after some discussion, was recommitted to the Committee on Judiciary.

On motion, Mr. Kettleman was appointed Sergeant-at-Arms, pro tem., during the illness of —— Cade.

On motion, the House then adjourned to meet Tuesday evening, May 29th.

A. ROANE, *Recording Clerk.*

TUESDAY EVENING, May 29th, 1849.

The Assembly met pursuant to adjournment. No quorum present. Absent members—Messrs. W. A. Buffum, E. G. Buffum, Burke, Creighton, Ellis, Grayson, T. Green, Huxley, Lemon, Lee, Montgomery, Roach, Swasey, W. Smith, T. Smith and Wright.

On motion, House adjourned.

A. ROANE, *Recording Clerk.*

THURSDAY EVENING, May 31st, 1849.

The Assembly met at the usual time and place. Absent members—Messrs. Grayson, T. Green, Lemon, Montgomery, Roach, Swasey, W. Smith and T. Smith.

The Committee on Judiciary, to whom was referred the "Act regulating Fees," reported it back to the House, with amendments, increasing the rate of the Sheriff's fees. On motion, the bill passed to a third reading.

The Select Committee, to whom was referred the petition of Thos. Agnew, reported an Act, entitled, "An Act for the repair of the Wharf at Clark's Point," commonly known as the "new Wharf" in the city of San Francisco. On motion, the bill was referred to a Select Committee, with instructions to inquire what portion, if any, of the Wharf is on private and what portion on public land; and also, what portion of the Wharf, if any, was built of private materials. Messrs. Hyde, W. A. Buffum and Ellis were appointed the Committee.

A petition was presented from E. Weeks and A. A. Green, praying for the privilege of erecting a tent or tents on the public ground lying between the School House and Custom House. On motion, the petition was laid on the table.

The following resolutions were offered by

Resolved, That —— Standing Rule of this House be so amended as to make a quorum consist of twelve members instead of eight.

Resolved, That the Legislative Assembly of the District of San Francisco enter their solemn and indignant protest against the course of the Congress of the United States, in extending the Revenue Laws of the General Government over the Territory of California, without, at the same time, making some provision for a Territorial Government.

Resolved, That the Treasurer of the District be and he is hereby authorized and instructed to pay all the outstanding accounts, which have been duly certified, against the Town and District.

All of which, by the Standing Rules of the House, lie over for one evening.

Moved that the Committee of Public Buildings and Improvements be instructed to inquire, to whom belongs the building now used as a Custom House; and that the said Committee, if it be necessary, have power to send for persons and papers. Carried.

On leave, Mr. A. A. Green introduced an Act, entitled, "An Act to provide for the Taxation of Foreigners and the establishment of a Marine Hospital in the city of San Francisco."

On leave, Mr. Ellis introduced "An Act in relation to the offices of Treasurer, Register, Sheriff, or other public offices."

On motion, the House then adjourned.

A. ROANE, *Recording Clerk.*

MONDAY EVENING, June 4th, 1849.

The Assembly met pursuant to adjournment. Absent members—Messrs. Creighton, Grayson, Harrison, Lemon, Montgomery, Roach, Swasey, W. Smith and T. Smith.

Mr. P. H. Burnett, member elect, presented himself, and was duly sworn by Judge Stewart.

On motion, the petition of E. Weeks and A. A. Green, praying for the privilege of erecting tents on public ground between School House and Custom House, was called up and refused.

The Committee of Public Buildings and Improvements, to whom was referred the petition of David Dring, reported an Act, entitled, "An Act authorizing the erection of a Wharf at the present easterly termination of Broadway." Passed to a second reading.

The Select Committee, to whom was referred the Act for the repair of the Wharf at "Clark's Point," with instructions of inquiry, reported that one-half of the present Wharf was on public land and one-half on private land, and that a portion of the materials of the Wharf were also private.

On motion, the resolution offered by Mr. Buffum, in relation to the protest of this body against the course of the Congress of the United States, was laid on the table.

The resolution changing the number of members required to constitute a quorum, was called up, considerably discussed, and finally laid on the table.

The resolution, instructing the Treasurer to pay outstanding debts, was called up and adopted.

Moved by Mr. A. A. Green, that a Select Committee be appointed to wait upon the members, who had not been sworn in, and request them either to come forward or resign. Messrs. Green, Huxley and Lee were appointed the Committee.

The Act regulating Fees was then taken up and passed.

Mr. W. A. Buffum gave notice that, at the next meeting, he would introduce an Act amending the Act just passed.

The Act, entitled, "An Act for Taxing Foreigners and the establishment of a Marine Hospital," was taken up and referred to the Committee of Health and Police.

The Act, entitled, "An Act in relation to the offices of Treasurer, Register, Sheriff and other public offices," was taken up and passed to a third reading.

The Act relating to the Wharf at "Clark's Point," with the following amendment offered by Mr. Hyde,

"Sec. 1. That Thos. J. Agnew and his —— associates are hereby empowered to repair so much of the Wharf at the foot of Broadway as belongs to the Town of San Francisco, and subject to such additions and conditions as are hereinafter enumerated,"

Was referred to Committee of Public Buildings and Improvements, with instructions to report at next meeting.

Mr. Wright offered his resignation as member of the Assembly, which was not accepted. After some discussion, the resignation was withdrawn for the present.

Mr. Hyde asked for leave of absence for two or three weeks, which, on motion, was granted.

The following resolutions were introduced, which, by the Standing Rules, lie over for one evening:

Resolved, That a Select Committee be appointed and authorized to report, at as early a period as possible, the amount of revenue which will accrue to the District under the present Revenue Law; and also, an estimate of probable current expenses for the ensuing year.

Resolved, That a Select Committee of three be appointed by the Speaker, whose duty it shall be to draw up and submit to this House an address to the people of California, recommending the election of Delegates to meet in general Convention to frame a Constitution for a Provisional Government for this Territory.

On motion, the Clerk was instructed to furnish stationery, and the Sergeant-at-Arms light, fuel, etc., for use of House.

Mr. Burnett gave notice that he would introduce a bill to amend the Act establishing Orphans' Court.

On motion, the House then adjourned.

RECORD

OF THE

ORGANIZATION AND PROCEEDINGS

OF THE

Ayuntamiento, or Town Council of San Francisco,

FROM

August 6th, 1849, until May 3d, 1850, inclusive.

FIRST MEETING.

At a meeting of the Ayuntamiento or Town Council (elect) for the Town of San Francisco, on Monday, the sixth day of August, 1849, at noon, J. W. Geary, Esq., First Alcalde, sitting as President of the Council, proceeded to administer the oath of office to Messrs. T. B. Winston, S. Brannan, H. A. Harrison, B. Simmons, John Townsend, Z. B. Post, A. J. Ellis and Rodman Price, who took their seats as members thereof. The President then administered the oath of office to Frank Turk as Second Alcalde.

Mr. Simmons presented two papers, purporting to be of importance to the Council, and on request of the Chair, Mr. Turk, as Secretary pro tem., proceeded to read them.

On motion of S. Brannan, Esq.,

Resolved, That sixty (60) copies of the order of Gen. Riley to the

Judges and Inspectors of election (as read by the Secretary) be printed for the use of members of this House.

On motion,

Resolved, That the Alcalde be empowered to hire and properly furnish a suitable office for the transaction of business properly devolving upon this department of municipal affairs.

On motion,

Resolved, That three Commissioners be appointed by the President of the Council to take an inventory of all public documents which may be turned over to him by the late Alcalde, or any other persons; and that such Commissioners shall be other than members of this Council.

On motion,

Resolved, That a Committee (to be appointed by the Chair) shall procure a copy of Jefferson's Manual, by which code of regulations this body shall be governed in relation to its proceedings.

The Chair appointed A. J. Ellis as such Committee.

On motion,

Resolved, That a Committee consisting of Messrs. Simmons, Townsend, Post and Price be empowered to apply to Brig. Gen. Riley, Governor, etc., for a loan of money from the public funds to erect a City Prison and a Hospital, and that the faith of the town be pledged for the repayment of the same, with six per cent. interest, when called for by the

On motion,

Resolved, That we do now adjourn to meet on Wednesday evening next, at 8 o'clock, in the Public Institute of San Francisco.

FRANK TURK, *Secretary, pro tem.*

SECOND MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Wednesday evening, the eighth day of August, at the Public Institute in San Francisco.

1849

Present—Messrs. Winston, Townsend, Harrison, Davis, Post, Simmons and Price. J. W. Geary, Esq., in the Chair, administered the usual oath of office to Wm. H. Davis, Esq.

The minutes of a previous meeting were read and approved.

The presiding officer then proceeded to read an address to the Council, upon matters generally relating to the subjects most urgent in their requirements upon the consideration of that body, and upon motion, it was

Resolved, That the same be printed in the "Alta California," and that the Secretary be required to furnish a copy of the same to the printer for that purpose.

Mr. Winston offered the following resolution as to the order of business at meetings of the Council, until a proper Committee shall act thereon: "That this Council, in order to facilitate its proceedings, will take up the business before it in the following order:

1st. The temporary appointment of a Sergeant-at-Arms.
2d. An adoption of such rules as may hereafter govern it.
3d. The reading of resolutions for the action of its next meeting, such as calling for election of officers, etc.
4th. The report of Special Committees.
5th. The appointment, by the Chair, of Standing Committees.
6th. The reception of petitions and communications, and thereafter in accordance with rules adopted;" which was adopted.

On motion of H. A. Harrison, Esq., Mr. Cade was appointed Sergeant-at-Arms to the House until further action shall be taken herein, and to receive therefor five dollars per night in compensation.

Mr. Winston submitted a series of rules and regulations to govern the proceedings at future meetings of this body, which were read by the Secretary and adopted; but on motion of R. M. Price, Esq., the vote was reconsidered and the rules were finally submitted to a Committee, with a request that they do report at the next meeting. The Chair appointed Messrs. Price, Townsend and Harrison to be such Committee.

The Special Committee, appointed at a previous meeting to consult with Gen. Riley upon the subject of a loan from the civil fund, reported progress, to the effect that at the request of the Governor, the application had been reduced to writing and left for his further consideration.

Resolved, That we do now adjourn to meet again on Saturday evening next, at 8 o'clock.

FRANK TURK, *Secretary, pro tem.*

THIRD MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Saturday evening, the 11th inst., at the Public Institution in San Francisco, J. W. Geary, Esq., in the Chair, Mr. Stephen Harris took the usual oath of office and his seat as a member therein.

The oath of office was then administered to Mr. Horace Hawes as Prefect, who thereupon took the Chair and proceeded to read an address,[*] after which, the Chair was resumed by the Alcalde, and the report of the Committee on Rules was called for, submitted and adopted.

On motion, Dr. John Townsend was appointed to act as President of the Council in the absence of the Alcalde.

On motion, the rules were suspended and the following resolution adopted:

Resolved, That a Committee be appointed to wait upon and consult with the Prefect in regard to the officers to be appointed by the Council, and that such Committee do report the names of such officers as may be required, and so far as may be, define their duties and recommend their compensation.

---

[*] See Appendix No. 1.

The Chair appointed Messrs. Winston, Townsend and Price such Committee.

The following resolution was offered, and on motion, was laid over till the next meeting:

Resolved, That the Alcalde be authorized to appoint a Sheriff and such a number of Deputy Sheriffs, as in his opinion may be necessary, with power to increase or diminish the number at his pleasure.

The following Standing Committees were then named by the Chair:

Committee on Judiciary—Messrs. Stewart, Townsend, Green.

Committee on Finance—Messrs. Price, Winston, Brannan.

Committee on Streets and Public Improvements—Messrs. Harrison, Post, Green.

Committee on Police and Health—Messrs. Townsend, Simmons, Ellis.

Committee on Expenditures—Messrs. Winston, Harris, Davis.

A communication from Col. Steinberger was then presented by the Chair, and on motion, the same was laid upon the table.

On motion, it was

Resolved, That we do now adjourn till Monday evening next, at 8 o'clock.

FRANK TURK, *Secretary, pro tem.*

FOURTH MEETING. Aug. 1849

At a meeting of the Town Council, held on the evening of Monday, the 13th inst., J. W. Geary, Esq., in the Chair; after the minutes had been read and approved, the report of the Standing Committee on Police and Health, recommending the appointment of a Captain of Police, with the necessary aids, etc., was received and adopted.

The following petitions were then presented: from Mr. Wm. M. Eddy and R. T. P. Allen for the appointments of City Surveyor; B. Burgoyne for the appointment of Treasurer; N. R. Davis for the appointment of Commissary, and H. H. McLean for the appointment of Comptroller, which were laid on the table.

The petition of Alfred Melhado, relative to a Hospital and the appointment of City Physician, was referred to Committee on Police and Health.

The Special Committee, appointed at a previous meeting to confer with the Prefect and report thereon at this meeting, through the Chairman, Mr. T. B. Winston, presented their report relative to officers, their duties, salaries, etc., which was laid upon the table.

The resolution of a previous meeting, authorizing the Alcalde to appoint a Sheriff, with deputies, etc., was amended by requiring that the Sheriff give bonds in the sum of $25,000, with sureties to be approved by the Council, and with this amendment was adopted.

On motion, the Council then proceeded to an election of officers for the House; a City Surveyor; a Collector of Taxes, and a Captain of Police, which resulted in the election of Frank Turk as Secretary; Jonathan Cade, Sergeant-at-Arms; Wm. M. Eddy, City Surveyor; P. C. Lander, Collector of Taxes, and Malachi Fallon, Captain of Police. Mr. A. C. Peachy was also elected to the office of Attorney of the City. And Messrs. Harrison, Post and Winston were appointed a Special Committee to report upon the proper fees to be paid to such officers.

On motion of T. B. Winston, the House then took up the report of the Special Committee, previously laid upon the table, and adopted so much thereof as related to the officers elected, except the Attorney to the City.

The Chair then announced that he had appointed a Committee of three, (to examine the papers and public records of the town as given to him by the late Alcalde) as directed by a resolution of the House, at a previous meeting, and called the attention of the Council to the consideration of a proper compensation for such services.

On motion, the House adjourned.

FRANK TURK, *Secretary.*

FIFTH MEETING. Aug. 1849

At a special meeting of the Ayuntamiento or Town Council, held on the evening of Friday, the 17th August, at the Alcalde's office in San Francisco, J. W. Geary, Esq., in the Chair.

Present—Messrs. Townsend, Harrison, Price, Post, Davis, Harris and Winston. The minutes of the last meeting were read and approved.

A communication from W. M. Eddy, Esq., was received and laid on the table.

A communication from F. C. Gray, referred to Committee on Streets.

A petition from Antonio Langlois, relative to a burying ground, was received and laid upon the table.

The petition of F. Heisberger and others, relative to a grant of public lands, was laid upon the table.

The report of the Committee on Police and Streets was received, and after the blanks were filled, the same was adopted. The blanks were filled to read as follows:

Assistant Captain of Police, three hundred dollars per month.
Sergeant, two hundred dollars per month.
Policemen, six dollars per day.

The Special Committee to consider the amount of fees proper to be paid to the Attorney of the City, reported progress.

The petition of Col. Steinberger, relative to his lot, was then taken up in Committee of the Whole, and it was, on motion,

Resolved, and be it ordained, That the owner or owners of the premises known as "Washington Market," or so much thereof as obtrudes upon the public street, be required to remove the same.

The Committee rose and reported the above resolution, which, on motion, was adopted.

A communication of W. M. Eddy, Esq., was next taken up, and on motion,

Resolved, That the Prefect be requested to obtain from Mr. Farrell the first notes and such other papers and information relative to former surveys of the town of San Francisco, as may be in his possession.

On motion of Mr. Winston, the rules were suspended to go into an election of Street Inspector, and Mr. N. R. Davis was unanimously elected to that office.

On motion, it was

Resolved, That so much of the former report as relates to said office of Street Inspector is hereby adopted.

Mr. Price gave notice that, at the next meeting, he should introduce a motion relative to lighting the streets of San Francisco, and the manner of so doing.

An application for town lots was referred to Committee on Streets, and at the request of the Alcalde the following motion was adopted:

Resolved, That the Alcalde is hereby prohibited from selling or disposing of any town or public lands, by grant or otherwise, unless under the special ordinance of this Council.

Mr. Harris gave notice that, at the next meeting, he should introduce a resolution to offer the public lands and other public property belonging to the town of San Francisco for sale to the highest bidder.

On motion, the consideration of the application for grounds for public burial places, was referred to a Special Committee to report upon the practicability of making such grants for the use of all denominations of Christians.

The Chair appointed Messrs. Winston, Harrison and Green as such Committee.

FRANK TURK, *Secretary.*

SIXTH MEETING.

At a meeting of the Ayuntamiento or Town Council of San Francisco, held on the evening of August 20th, 1849.

Present—Messrs. T. B. Winston, Post, Price, Townsend, Harrison, Harris and Davis. The minutes of the last meeting were read, corrected and approved.

A communication from H. W. Halleck, Secretary of State, relative to a loan, was received.

The President of the Council then read a communication regarding a fit expression of public sympathy incidental to the death of James K. Polk, Esq., late President of the United States. On motion, the following were appointed a Committee to carry into effect the above recommendation, viz: R. M. Price, T. B. Winston and H. A. Harrison.

Mr. Harrison, Chairman of Committee on Police and Streets reported progress.

Mr. Price, Chairman of Committee on Finance, made a report, which was accepted and laid on the table.

Mr. Winston, of Special Committee on fees for City Attorney, reported progress.

The House then proceeded to the election of a Town Treasurer, and Mr. Benjamin Burgoyne was declared duly elected.

The House next proceeded to an election for City Physician, and Dr. J. R. Palmer was duly elected as such officer.

The Alcalde then announced that he had, in compliance with the instructions of the Council, appointed a Sheriff, John E. Townes, Esq., who had given a good and sufficient bond in the sum of $25,000, then on file in the Alcalde's office.

A resolution, relative to the mode of lighting the public streets, was offered by Mr. Price, and referred to Committee on Streets.

The House then took up the report of the Finance Committee, previously laid upon the table, and after a lengthened discussion, the same, with some amendments, was adopted and ordered to be engrossed for a third reading.

Mr. Price then offered the following resolution, which was adopted:

Resolved, That the Special Committee, appointed to ask a loan of money from Gen. Riley, are hereby directed to acknowledge the receipt of his letter addressed to the said Committee and laid before the Council at this meeting; and the said Committee are hereby further directed to signify to Gen. Riley the readiness of the town to accept the loan of $10,000 on the conditions offered by him.

On motion, it was further
Resolved, That the Committee on Police and Health be requested to consider and report upon the best means of obtaining and securing a temporary prison; also, the propriety of engaging, for a short period for this purpose, one of the ships now lying in the harbor, and that the consideration of a proper and suitable building to be erected for that purpose be submitted to the consideration of the Committee on Streets and Public Buildings.

On motion,
Resolved, That the pay of Mr. Toler, one of the Commissioners appointed to examine the documents received from the late Alcalde be sixteen ($16) per day, and that of the other Commissioners ten ($10) per diem.

On motion, the House adjourned.

FRANK TURK, *Secretary.*

SEVENTH MEETING.

At a meeting of the Ayuntamiento or Town Council of San Francisco, held on the evening of Monday, the 27th August, Horace Hawes, Esq., Prefect, in the chair, the minutes of the previous meeting were read, and on motion of T. B. Winston, Esq., they were amended by inserting the name of Benjamin in place of Robert, before Burgoyne, elected Treasurer.

The petition of parties respecting the appointment of an Inspector of Weights and Measures was received and laid upon the table.

The Report of the Committee on Police and Health was presented, relative to procuring a proper and suitable place for the purposes of a Jail, and laid on the table.

The Committee upon Streets reported adverse to the petition of F. C. Gray.

The Committee upon Streets reported adverse to the petition of Francis Heissberger and others, relative to a grant of town or public lands.

The Committee upon Streets laid before the Council the report of the Street Inspector of San Francisco, which was laid upon the table.

A communication from the Surveyor of the town was laid before the Council, and on motion, it was laid on the table.

A resolution relative to the public printing was then offered by T. B. Winston, Esq., and laid upon the table.

The Report of the Committee on Finance then passed to its third reading, and being read section by section, the blanks were filled and the whole adopted.

It was then

Resolved, "That the Secretary be directed to have 100 copies of the above report printed and distributed about the town."

It was also

Resolved, That the Treasurer of the Town of San Francisco is hereby authorized to order from the United States (New York or Boston) two fire engines for the use of the Corporation, with 800 feet each of leather hose, two pipes, and such implements necessary for the working of such engines; also, the proper and necessary apparatus complete for the equipment and use of two hook and ladder companies.

On motion,

Resolved, That the considerations of more properly defining the duties of Assessors, and the recommendation of proper candidates therefor, be submitted to a Special Committee.

The Chair appointed Messrs. Winston and Ellis such Committee.

A resolution offered by Mr. Brannan, relative to procuring a steam pile driver from the United States, was laid upon the table.

On motion,

Resolved, That the Secretary furnish the Governor and Prefect with a list of all officers heretofore elected by this Council.

On motion, the House adjourned.

FRANK TURK, *Secretary*.

EIGHTH MEETING.

At an adjourned meeting of the Town Council, held on Thursday evening, the 30th instant.

Present—Messrs. Winston, Brannan, Harrison, Price, Ellis and Davis.

No quorum being present, the Council adjourned.

FRANK TURK, *Secretary*.

NINTH MEETING.

At an adjourned meeting of the Town Council, held on Monday evening, the 3d of September.

Present—Messrs. Harrison, Winston, Post and Simmons.

No quorum being present, the Council adjourned to Thursday, the 6th instant.

FRANK TURK, *Secretary.*

TENTH MEETING.

At an adjourned meeting of the Town Council, held on Thursday evening, the 6th of September.

No quorum being present, the Council adjourned.

FRANK TURK, *Secretary.*

ELEVENTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Monday evening, the 10th of September.

Present—Messrs. Post, Harrison, Harris, Simmons and Green.

Col. W. M. Stewart took the usual oath of office and his seat as a member of the Council.

A letter from the Prefect, announcing the resignation of T. B. Winston, was read and accepted.

Three communications from W. M. Eddy, City Surveyor, wer received and laid upon the table.

A communication from F. H. Southworth was received and laid upon the table.

The report of the Committee on Streets, relative to the consideration of lighting the streets, was received, adopted and the Committee discharged.

A petition, relative to increasing the pay of the Sheriff, was received and laid upon the table.

A communication from the Captain of Police was received and referred to its appropriate Committee.

A petition from E. Bryant was received and laid upon the table.

A communication from A. Williams, relative to schools, was received and laid upon the table.

A petition from H. O'Donnell and others was received and laid upon the table.

A communication from the Inspector of Streets was presented through H. A. Harrison, Esq., and laid upon the table.

A communication from A. C. Peachy, signifying his acceptance of the office of City Attorney was received and read.

A communication from Horace Hawes, Esq., Prefect, was received and read.*

The House adjourned to Wednesday, the 12th inst.

FRANK TURK, *Secretary.*

---

* See Appendix No. 2.

TWELFTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council of San Francisco, held on Wednesday evening, the 12th day of September.

Present—Messrs. Townsend, Harris, Post, Simmons, Harrison, Davis, Green and Stewart.

On motion, the ordinance for revenue was taken up and amended, and a Committee appointed to wait on Gen. Riley, Governor, etc., etc., and ask his sanction thereto.

The following were named as such Committee: Messrs. Simmons, Harrison, Post, Stewart, Green and Price.

On motion, the Council adjourned.

FRANK TURK, *Secretary*.

THIRTEENTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Monday evening, September 17th.

No quorum being present, the Council adjourned.

FRANK TURK, *Secretary*.

FOURTEENTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Monday evening, the 24th September.

No quorum being present, the Council adjourned.

FRANK TURK, *Secretary*.

FIFTEENTH MEETING.

At a meeting of the Ayuntamiento or Town Council of San Francisco, held on the 26th September.

Present—Messrs. Post, Harrison, Harris, Simmons, Davis and Green.

The minutes of the last meeting having been read and approved, Capt. Simmons, of the Committee appointed to wait upon Gen. Riley at a previous meeting, reported that they had waited upon Gen. Riley, and in reply to their application received the following communication:

[COPY.]

STATE DEPARTMENT OF CALIFORNIA,
Monterey, Sept. 20, 1849.

"GENTLEMEN:—The Governor has examined the project (submitted to him) of an ordinance of the Council of San Francisco imposing taxes, etc., for the support of the government of that town, and directs me to return it to you with the following remarks:

"The provisions of Articles 1, 2, 3, 4, 5, 6, 7 and 8, as amended in manuscript, are believed to be in strict accordance with the laws and customs of the country.

"The Governor cannot at present give any definite information respecting the power of the Ayuntamiento to tax real estate. It is said that the law authorizing this in Mexico was suspended in its operation in California. The archives will be examined for further information on this subject. The Governor is of opinion that the Prefect has no power to *veto* ordinances passed by Town Councils. It is made his duty to exercise, in the administration and expenditure of municipal funds, such supervision as may be granted to him by the ordinances of the Ayuntamiento; and in case they exceed their authority, he must report the fact to the Governor.

Very respectfully,
Your ob't servant,
(Signed) H. W. HALLECK,
Bt. Capt. and Secretary of State.

Capt. Simmons, Mr. Harrison and others."

Whereupon the report was adopted and Committee discharged.

On motion,

Resolved, That five hundred copies of the ordinance for revenue, as amended, be printed, and that the same be published in the Alta California newspaper.

Capt. Simmons, in behalf of the Committee relative to obtaining a loan from Gen. Riley, submitted the following communication:

[COPY.]

STATE DEPARTMENT OF CALIFORNIA,
Monterey, Aug. 11, 1849.

"GENTLEMEN:—I am directed by the Governor to acknowledge the receipt of your letter of the 8th instant, and to inform you that he cannot make any loan of the public funds in his possession. He, however, will direct Major R. Allen, the Treasurer of the Civil Funds, to pay over to the municipality of San Francisco the sum of ten thousand ($10,000) dollars on the following conditions, viz:

First, That said municipality give to the Treasurer of California proper pledges and security that this money shall be expended in the erection or purchase of a suitable building or buildings for a District Jail and Court House, and that an equal sum has been raised and appropriated by the said municipality for the same purpose.

Second, That the Treasurer of California shall be satisfied that the Treasurer of San Francisco has given good and sufficient bonds for the safe keeping and proper expenditure of this money.

Third, That none of this money be expended by the Town Treasurer, except on the orders of the Town Council, signed by its legally constituted officers.

Very respectfully,
Your ob't servant,
(Signed) H. W. HALLECK,
Bt. Capt. and Secretary of State.

Dr. John Townsend and others, Committee Town Council of San Francisco, California.

When the Town Council of San Francisco shall have complied with the foregoing conditions, Major Allen will advance the ten thousand dollars as before directed.

By order of the Governor,
H. W. HALLECK,
Bt. Capt. and Secretary of State.

On motion,
Resolved, That the Alcalde be requested to order the removal of the house or houses now standing in the public streets, at or near the corner of Kearny and Pacific streets.

On motion,
Resolved, That the Alcalde be empowered to execute to Dr. Victor J. Fourgeaud the necessary and proper deeds to the lots owned by him and formerly granted to

On motion,
Resolved, That Messrs. Davis and Ellis be a Committee to take into consideration the propriety of appointing an Inspector of Weights and Measures, and to recommend the proper fees to be paid such officer.

The House then proceeded to an election to fill the office of Comptroller of the City, and Mr. Stephen C. Simmons was declared duly elected thereto.

On motion,
Resolved, That Messrs. Simmons and Green be a Committee to procure suitable rooms for the use of the city officers.

On motion,
Resolved, That Messrs. Harris and Harrison be a Committee to report relative to the claim of frontage upon the public square by the owners of certain lots on its western boundary.

On motion,
Resolved, That the Secretary be empowered to make arrangements for the publication of the proceedings of the Council and for the public printing.

A bill for services rendered in cleaning the streets, under the direction of the Street Inspector, was referred to the appropriate Committee.

A bill for services rendered by Mr. N. R. Davis, Street Inspector, was referred to appropriate Committee.

On motion,

Resolved, That in consideration of there being no data for the pay of the Secretary, and that his appointment was some time after the first meeting of their Council; and that his services were rendered from the first meeting as Secretary pro tem.,

Be it ordained, That the pay of the Secretary date from the first meeting of this Council.

SIXTEENTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on the evening of the first day of October.

No quorum being present, the Council adjourned.

FRANK TURK, *Secretary*.

SEVENTEENTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Tuesday evening, the second of October.

No quorum being present, the Council adjourned.

FRANK TURK, *Secretary*.

EIGHTEENTH MEETING.

At a meeting of the Ayuntamiento or Town Council, held on the third October.

Present—Messrs. Post, Harrison, Harris, Brannan, Green and Davis; the minutes of the last meeting were read and approved.

The resignation of J. W. Palmer, City Physician, through J. R. Curtis, Sub Prefect, was received and accepted.

The petition of P. Barry, relative to a claim against the late —— was submitted and laid upon the table.

The Committee on rooms for public officers, reported adverse to allowing W. M. Eddy, City Surveyor, more than one room at the expense of the City, and the Secretary was directed to notify him thereof.

The Committee were authorized to engage, if deemed by them expedient, a house on Washington Street, for the use of the City officers for the period of one month.

The ordinance relative to an Inspector of Weights and Measures was taken up and adopted.

A motion submitted by Mr. Brannan, relative to the erection of Public Buildings, was referred to the appropriate Committee, and Messrs. Brannan and Harris were appointed a special committee to assist therein.

A communication from Dr. S. R. Gerry was received, and, on motion it was resolved that the erection of a City Hospital and the communication of Dr. Gerry be referred to the Committee on Public Buildings.

The following resolutions were then offered by Mr. Brannan.

Resolved, That all the water lots now belonging to the Town be sold at public auction, after public notice of the same being given for three months, agreeable to the proclamation of Gen'l Kearney.

Resolved, That the proceeds arising from the sale of the same water property be expended—first, for the constructing of a wharf, and secondly, for the building of a City Hall.

Resolved, That immediate public notice be given that the grants of ——— all water property heretofore made to any person or persons whatever by the late Alcalde, T. M. Leavenworth, or by any of his predecessors, without three months notice previous to making such grant or sale at ——— as by law required, are illegal, and that the same property will be claimed and held by the Town, until sold at public auction, agreeable to the conditional grant made by the Governor to this Town: which were adopted.

The Committee on Streets and Public Improvements reported progress.

The petition of A. Williams, relative to public schools, was laid upon the table.

Messrs. Post and Green were appointed a Committee to report relative to a proper and suitable place for the sick.

Messrs. Harris and Brannan were appointed a Special Committee to act in conjunction with the Committee on Public Buildings, and report relative to a suitable place for a public burying ground.

On motion,

Resolved, That the Alcalde be requested to communicate with Gen. Riley upon the subject of the occupancy of the Adobe Building now used as a Custom House.

On motion, the Council adjourned.

FRANK TURK, *Secretary*.

NINETEENTH MEETING.

At a meeting of the Ayuntamiento or Town Council, held on Friday evening, the fifth day of October.

Present—Messrs. Post, Harris, Green, Davis, Townsend, Harrison and Brannan. The minutes of the last meeting read and adopted.

A communication from G. Hyde, relative to the obstructions in Kearney street, together with a copy of the notice served upon them by the Street Inspector, was referred for consideration to a Special Committee to consist of Messrs. Harrison and Green.

The petition of Peachy and Billings and others, relative to a suitable room for the use of Judge Almond, was referred to a Special Committee to consist of Messrs. Townsend, Brannan and Davis.

A communication from Messrs. Simmons, Hutchinson & Co., was received, and on motion of Mr. Post, the following resolution was adopted in relation thereto:

Resolved, That the Inspector of Streets be and is hereby authorized to give three days' notice to all or any person having merchandise or obstruction in the streets, or wherever it be deemed necessary, of whatever kind, and if at the expiration of that time it be not complied with, that they be then removed to the public square and subject the owners thereof to the expenses of storage and cartage, and if not called for within ten days, they be advertised and sold at public auction and after the necessary expenses be paid, the balance is to be paid to the owner.

The petition of C. V. Gillespie and others, relative to their claim of frontage of two certain lots upon Portsmouth Square, was received, and on motion, the prayer of the petitioners was granted, and the further consideration of the subject postponed to Monday evening, the 8th inst.

The report of the Committee on Public Hospital was received, together with communications from Dr. Prett, Stout, Stevens and Melhado, and so much of the report as relates to the speedy erection of a suitable building for a Public Hospital was adopted.

The report of the Committee on Rooms for the officers of the city was received and adopted.

The Committee on Public Buildings reported progress.

The communication of P. Barry, relative to a claim upon the city was taken up, and on motion, its consideration deferred, as well as sundry bills for attendance on the sick rendered by Dr. Stout.

On motion,

Resolved, That all bills presented shall, after being approved by the Finance Committee, receive the sanction of the Council before they be paid by the Treasurer.

On motion of Mr. Brannan,

Resolved, That in view of the approaching bad weather and heavy winds, as well as for the safety of private property and the promotion of the commerce of the town, the Council request the Harbor Master to have all vessels, not receiving or discharging cargoes, removed to Wood Island or to the south side of Rincon Point; and the Secretary was instructed to notify the Harbor Master thereof.

On motion of Mr. Brannan,

Resolved, That the President of the Council be instructed to have a schedule of the unsold water lots made out and laid before the Council at the earliest moment.

On motion, it was further

Resolved, That the Alcalde be requested to advertise, at the earliest possible moment, a public sale at auction of all unsold water lots.

On motion, the House adjourned.

FRANK TURK, *Secretary*.

TWENTIETH MEETING.

At a meeting of the Ayuntamiento or Town Council, held on Monday evening, the 8th of October.

Present—Messrs. Post, Harris, Harrison, Brannan, Townsend, Davis and Green. The minutes of the last meeting were read and approved.

A communication from Messrs. Thorpe and Stivers was read, and on motion, laid on the table.

The petition of S. A. Wright and others, relative to filling up and grading certain parts of Sansome street, was presented, and the prayer of the petitioners was granted.

A communication was made to the Council by D. Fraser, Esq., relative to certain claims to the ownership of portions of the public grounds, and on motion of Mr. Brannan, the Alcalde was requested to make out deeds to the town for lots Nos. 409, 410, 427, 428, as laid down upon the maps of the town, and cause the same to be entered of record.

A communication was made to the Council by Hall McAllister, Esq., in behalf of the claimants to a frontage for two certain lots upon Portsmouth Square, and on motion, the papers therewith submitted to the City Attorney for his inspection, and a request that he report thereon at as early a meeting of the Council as possible.

Mr. Brannan, of the Committee appointed at a previous meeting, reported the purchase of the Brig Euphemia for the purpose of a prison ship, and on motion, the report of the Committee was adopted and the purchase approved.

On motion of Dr. Townsend, Messrs. Post, Brannan, Davis and Townsend were appointed a Committee to wait upon the Directors of the Central Wharf Association and obtain, if possible, permission from them to lay the Brig Euphemia alongside their Wharf, to superintend the necessary alterations and place her when completed in the hands of the Captain of Police, who was instructed to take immediate possession of her, if by him deemed necessary.

Messrs. Green and Post were appointed a Committee to procure fifty sets of balls and chains for the purpose of securing prisoners when engaged in the public works.

On motion,

Resolved, That it be competent and is deemed expedient to engage the prisoners, confined in the Jail of the town, upon the public works, at the discretion of the Courts passing sentence.

On motion,

Resolved, That a Journal of the past proceedings of this Town Council be published and fifty (50) copies of the same furnished the members thereof.

A resolution, requiring the Committee of Judiciary and Laws to frame a Code of City Ordinances, was referred to the said Committee, and Messrs. Harrison and Harris were appointed to fill the temporary vacancies now existing in said Committee.

The report of the Committee on Streets was received and adopted.

The report of the said Committee, in reference to the encroachment of certain houses upon Kearney street, was also received and accepted, and the Committee discharged from any further consideration of the subject.

The bill of J. Cade, Sergeant-at-Arms to the House, was received and approved.

The Committee on Public Buildings submitted a plan for a Court House, which was approved, and the report of the Committee adopted.

On motion, the House adjourned.

FRANK TURK, *Secretary*.

TWENTY-FIRST MEETING.

At a Meeting of the Ayuntamiento or Town Council of San Francisco, held on Thursday evening, the 11th of October, 1849.

No quorum present, the House adjourned.

FRANK TURK, *Secretary.*

TWENTY-SECOND MEETING.

At a meeting of the Ayuntamiento or Town Council of San Francisco, held on the fifteenth day of October, instant.

Present — Messrs. Harris, Harrison, Green, Post, Simmons and Davis.

The minutes of the previous meeting were read and approved.

The petition of S. R. Gerry, for the appointment of Health Officer, was presented and laid upon the table.

A communication from S. C. Simmons, Comptroller, was read.

The application of John Elkins, for the appointment of Weigher and Gauger, and Inspector of Oil and Provisions, was received and laid upon the table.

The petition of Messrs. Cross, Hobson & Co., relative to filling up and grading certain parts of Sansome street, was received, and the prayer of the petitioners was granted.

The application of E. C. Franklin, for the appointment of City Physician, was received and laid upon the table.

Mr. Harrison, of the Committee to prepare certain ordinances relative to streets, etc., submitted a report, which, on motion, the rules being suspended, was read, section by section, and adopted.

A communication from Drs. W. H. Stivers and J. F. Thorp, relative to the establishment of a City Hospital, was received and laid upon the table.

The application of W. T. Brent, for the office of City Physician, was received, and on motion, laid upon the table.

The petition of A. Williams and others, relative to the use of the Court House, about to be built, for a church on the Sabbath, was read and laid upon the table.

Mr. Peachy, Attorney for the City, presented a verbal statement in reference to the right of the city to build upon Portsmouth Square.

On motion of Mr. Harris,

Resolved, That the Court House, now about to be erected on the Public Square, be placed on a line with the Custom House and School House, leaving twenty feet, or thereabouts, in the rear of such Court House for the purpose of erecting out-houses, etc., thereon.

On motion,

Resolved, That two additional Tax Collectors be appointed to collect the revenue under the ordinance bill of September 12th.

The House then proceeded to the election of Edward S. Hoar and Henry O. Ryerson to be such officers, who were unanimously elected thereto.

On motion of Mr. Simmons, Messrs. Green, Davis and Harris were appointed a Committee to obtain information relative to all papers and documents relating to the original charter of the town.

On motion,

Resolved, That the Secretary be requested to search for papers and information relative to the grant of a wharf privilege to Thomas J. Agnew.

The Committee, to whom was referred the consideration of the propriety of procuring balls and chains for the prisoners now confined in the jail of the town, reported, and on motion, the report was adopted and the Committee instructed to procure the necessary balls and chains at the expense of the town.

On motion, adjourned to Thursday evening.

FRANK TURK, *Secretary*.

TWENTY-THIRD MEETING.

At a meeting of the Town Council, held on the 18th October.

Present—The Chairman and Messrs. Harrison, Harris, Post, Price, Green and Simmons.

J. Heron Foster acting as Secretary in consequence of the illness of Mr. Turk.

A quorum being present, on motion, the Council went into secret session on sundry bills laid before them, when the following were referred to the Committee on Public Expenditure, with instructions to report thereon at the next regular meeting, viz:

Bill of Wm. M. Eddy, City Surveyor, for August,......	$ 800 72
Bill of Wm. M. Eddy, City Surveyor, for September, with three vouchers,..................................	2,348 40
Bill of A. S. Taylor, sundry burials,......................	69 00
Bill of W. H. Jones, books for Alcalde's office, certified,..	22 00
Bill of J. W. Morse, furniture, etc.,.........................	50 25
Bill of E. Laffan, furniture, etc.,..........................	80 00
Bill of E. Laffan, rent, ...	900 00
Bill of E. Laffan, rent, Sheriff,.............................	600 00
Bill of E. Laffan, rent, Surveyor,...........................	600 00
Bill of Tucker & Pierson, coffins,.	78 00
Bill of W. J. Whitney, supplies for Police,...............	6 00
Bill of W. H. Jones, sundry expenses of Mr. Smalt,.....	108 50
Bill of White, McGlynn & Co., bringing in body of wounded man,..............................	16 00
Bill of H. L. Goodman, coffin for Henry Jackson, balance,	12 50
Bill of Thos. Teeter, grave-digging,......................	110 00
Bill of James Laurie, carrying prisoners on board Warren,	20 00
Bill of John Manning, Special Constable,.......	60 00
Bill of Dan'l Fayfield, funeral expenses of E. Roberts,...	20 00
Bill of Elisha Ely, Inspector of Election, one day,.......	110 00
Bill of Cross, Hobson & Co., blank books,.............	5 00
	$6,001 37

The bill of John T. Smith for table for Judge Almond's Court, $30, was returned, the Council being of opinion that the same was chargeable to the "Civil Fund," under direction of the authority which established said Court.

The Chairman laid before the Council the bills for expenses attending the trial of the "Hounds" received from the late Alcalde. As these were incurred previous to the organization of this Council, the bills were returned as chargeable to the "Civil Fund."

On motion, the Chair was directed to appoint another member of the Committee on Public Expenditures, vice Mr. Winston, absent. The Chair appointed Mr. Post.

A communication from the City Attorney, relative to beach and water lots, and the case of "Winston and others vs. Ross," in Judge Almond's Court, was read.

On motion, the Council adjourned till Monday, October 22d, at 7 P. M.

FRANK TURK, *Secretary*.

TWENTY-FOURTH MEETING.

At an adjourned meeting of the Town Council, held on the 22d October.

Present—Messrs. Post, Price, Green, Davis, Harris, Harrison and Ellis.

The minutes of the last meeting were read and approved.

The report of the City Surveyor was received and laid on the table.

The petition of Lovering and Gay was received and laid upon the table.

A petition was received, relative to a pump in Portsmouth Square, and referred to the Committee on Streets.

The petition of Dr. Gerry, relative to application of Health Officer, was received and laid on the table.

Two communications from F. Huttmann were received and referred to Committee on Streets.

A communication from A. Robinson was received and laid upon the table.

A communication, relative to nuisance in Washington street, was received and referred to Committee on Streets.

The petition of Mr. J. E. Townes was received and referred to a Special Committee, consisting of Messrs. Post and Price.

A communication from the Inspector of Streets was received and laid on the table.

The petition of certain parties, relative to buildings on Portsmouth Square, was received and laid upon the table. Whereupon, on motion of Mr. Post, a reconsideration of the vote of the previous meeting relative to the same subject, was resolved on.

In the affirmative, Messrs. Post, Price, Green and Ellis. In the negative, Messrs. Davis, Harris and Harrison.

The application of J. A. Martin for the appointment of City Physician was received and laid upon the table.

In the matter of providing a Court Room for Judge Almond, the whole subject was, on motion of Mr. Price, referred as follows:

Resolved, That the Attorney of the City give a written opinion to the Town Council as to the obligation of the town supplying a Court Room and furnishing the same for the Judge of the First Instance and their clerks; and also, for supplying a Court Room for the Supreme Court to meet in here in November.

Certain ordinances, relative to the duties of Street Inspector, were referred to Committee on Judiciary.

On motion of Mr. Harris, the Street Inspector was directed to lodge a complaint against parties leaving a nuisance of any description in the public streets, after twenty-four hours notice to remove the same.

The bills for the Brig Euphemia were submitted and ordered to be paid.

On motion of Mr. Price,
Resolved, That the expenses attending the trial of S. Roberts and others, in July last, are deemed by this Council to be properly chargeable to the Civil Fund, under the direction of Gov. Riley.

In the matter of the petitions of Messrs. Wright and others, and of Messrs. Cross, Hobson & Co., the whole subject was referred to the Committee on Streets.

In the matter of the petition of J. E. Townes, Sheriff, was referred to a Special Committee, consisting of Messrs. Post and Price.

On motion, the House adjourned.

FRANK TURK, *Secretary*.

TWENTY-FIFTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Saturday evening, the 3d of November, 1849.

The minutes of the previous meeting having been read and approved, on motion of Mr. Green, the House, in Committee of the Whole, proceeded to the consideration of sundry bills, which were passed in part, and the remainder referred to be corrected.

During the consideration of the above bills, on motion,
Resolved, That all officers attending upon elections be paid at the rate of twenty-five dollars per day.

Mr. Davis presented a communication from the Directors of the

Central Wharf Association, granting permission to the Council to lay the Prison Ship alongside their Wharf for the space of three months.

On motion of Dr. Townsend,

Resolved, That the thanks of the Council be presented to the Directors of the Central Wharf Association for their offer, and that they be notified that the same is accepted.

A plan for disposing of the public lands, not heretofore granted, was submitted to the Council by the Alcalde, and after some discussion, it was

Resolved, That the City Surveyor be and hereby is directed to project on the official map the lines of Larkin, Hyde and Leavenworth streets to their intersection with Market street; and also, regularly to lay out on said map the unsurveyed ground lying between Market and Post streets and east of the line of Larkin street; the above described ground to be divided into lots of fifty varas square each and properly numbered on the map of the city.

Resolved, That the Surveyor be further directed to project the one hundred vara lots to the Mission Bay and back to their junction on Market street with Leavenworth street.

Resolved, That the Surveyor of this town be directed to furnish the Council with an estimate of the probable cost of extending the survey as proposed on the plan submitted by him, together with the probable number of fifty and one hundred vara lots embraced in the proposed extension in said survey.

The Committee on Streets, to whom was referred the communication of Edwin Bryant relative to a dock at the foot of Market street, returned the same to the Council for further consideration, and the report accepted and the Committee discharged.

On motion, adjourned.

FRANK TURK, *Secretary.*

TWENTY-SIXTH MEETING.

At an adjourned meeting of the Ayuntamiento or Town Council, held on Monday, the 5th of November, instant.

Present—Messrs. Price, Harrison, Brannan, Simmons, Ellis and Davis.

The minutes of the previous meeting having been read and approved, a communication from the Hon. William B. Almond was received and referred to a Committee, consisting of Messrs. —— for consideration.

Several applications for the appointment of City Physician, and on motion, Messrs. Stivers & Thorp were duly elected to that office, and the Alcalde authorized to furnish them with medicines to the amount of two hundred dollars, to be used in their out of door practice.

The communications of Messrs. Freaner, Davis and Bryant, relative to the erection of wharf, etc., were referred to a Committee, consisting of Messrs. Price, Simmons and Ellis, who were requested to confer with the Attorney of the City and report to the Council upon their authority to grant the prayer of the petitioners.

A petition from the Police officers of the town, asking for an increase of pay, was received, and on motion of Mr. Simmons,

Resolved, That from and after this date the pay of all the Police officers of the town shall be increased one dollar per day.

The petition of Messrs. Osborn and Brannan, to be appointed auctioneers for the disposal of the public lands, was received and laid upon the table.

A communication from Wm. M. Eddy, Esq., City Surveyor, was received and laid upon the table.

On motion of Mr. Price,

Resolved, That the Town Treasurer be directed to retain, out of any funds now or hereafter to be in his possession, the sum of ($10,000) ten thousand dollars, to be applied to the purposes required, in order to obtain the same amount heretofore loaned to the town by

Gov. Riley; and also, further, to take the necessary steps to secure said loan to the benefit of the town.

The consideration of disposing of the public lands belonging to the town was next taken up, and after a lengthened discussion, it was, on motion,

Resolved, That one hundred and eighty of the town lots, of fifty varas each, and twenty of one hundred varas each, as laid down and numbered on the map of the town recently made under the survey of Wm. M. Eddy, Esq., City Surveyor, and not heretofore granted or disposed of, shall be sold at public auction on the nineteenth day of November, instant, under the direction of the Alcalde, to the highest bidder, the purchasers paying therefor a commission of five per cent. on the amount of the purchase, to be applied toward defraying the expenses attendant upon such sale.

On motion,

Resolved, That John E. Townes, Esq., be appointed to fill the office of Coroner of the town.

On motion, the Council adjourned.

FRANK TURK, *Second Alcalde.*

TWENTY-SEVENTH MEETING.

At a meeting of the Town Council, held on Monday, the 19th of November, instant.

Present—Messrs. Stewart, Post, Brannan, Harrison, Green, Simmons and Ellis.

The minutes of the previous meeting having been read and approved, the petition of Macondray & Co., and others, relative to streets, was referred to the Committee on Finance.

A communication from the Chief of Police was received, and on motion, it was

Resolved, That the Alcalde be authorized to cause a building to be erected and furnished with a stove and other necessaries for the use and purposes of a Police Station, to be under the superintendence of the Chief of Police.

A communication from A. Wilson was received, and on motion, it was

Resolved, That the Surveyor be directed to report the proper changes, if any are necessary, in the Presidio road, and submit a plan of such route, showing the street by which it will enter the town of San Francisco.

The petition of A. Gallagher was received, and on motion, it was

Resolved, That at their next meeting, this Council will elect an officer to fill the station of Gauger and Inspector of Liquors and Liquids for the town of San Francisco.

A communication from P. C. Lander was received and laid upon the table.

Judge Burritt appeared on behalf Messrs. Russell & Myers, and submitted a plan for a public Market House, which was referred to the Committee on Streets.

Mr. Brannan was appointed to fill the vacancy occasioned by the absence of Dr. Townsend on the Committee of Judiciary; and the same Committee were instructed to draw up a memorial to the Legislature upon the subject of the taxation of real estate in this town.

Mr. Brannan was also added to the Committee on Expenditures.

Col. Stewart was placed on the Committee on Health and Police.

The reports of the Committee on Streets were received and adopted.

The bill of Wm. M. Eddy, Esq., City Surveyor, was received, and on motion, the rules were suspended and the bill ordered paid.

The bill of Ryland and others was received and ordered paid.

The bill of J. March was received and ordered paid.

City Attorney to be consulted relative to the right of the Town to sell District lands.

On motion,

Resolved, That the Committee on Public Buildings be authorized to advertise to receive proposals to build a Hospital on vacant land belonging to the town, to be not less than one hundred feet long and twenty-five feet wide, two stories high and containing a City Hall.

On motion,

Resolved, That from and after this date all sales of real estate may be held on the Public Square until further notice.

The resolution of Mr. Brannan, relative to taxing all male citizens for the purpose of improving the Streets, was referred to the Judiciary Committee.

On motion of Mr. Brannan,

Resolved, That the Town Surveyor be authorized to charge for the survey of lots outside of the boundaries of the O'Farrell survey, the sum of twenty-five dollars for each fifty vara lot, and thirty-two dollars for each hundred vara lot, the same to be paid by the party ordering the survey.

On motion of Mr. Brannan,

Resolved, That one hundred and eighty fifty vara lots and thirty hundred vara lots be sold at public auction on Wednesday, December 28th, A. D. 1849, upon the same conditions as the last sale.

A resolution offered, referring to the intrusion of certain buildings belonging to C. V. Gillespie on Washington street, was referred to the Committee on Streets.

On motion, adjourned.

FRANK TURK, *Secretary.*

TWENTY-EIGHTH MEETING.

At a meeting of the Town Council held on the 22d of November.

Present—Messrs. Post, Harris, Stewart, Green, Ellis, Harrison, Davis and Brannan.

A communication from the Comptroller was received, and on motion it was

Resolved, That the Comptroller be authorized to procure a suitable iron safe for the use of his office.

Col. Stewart was appointed Chairman of the Special Committee on Wharves.

A number of bills were returned by the Finance Committee and ordered to be paid.

The following resolution by Mr. Brannan, was, on motion, adopted:

Resolved, That the City Surveyor be instructed to survey immediately all the balance of the water property granted to the town by Gov. Kearney, to the depth of twelve feet at low water, and place the same on the map of the town for the next sale.

The following resolution by Mr. Harrison was adopted, and Messrs. Harrison, Stewart, Green and Davis appointed the Committee.

Resolved, That a Special Committee of four be appointed by the Chair, for the object of dividing the town into wards or sections, and to report at the next meeting.

The following resolution was also adopted:

Resolved, That the Alcalde lay before the Council, as early as practicable, such information as he has in his power to obtain relative to any claims that may be due the town upon any former sale or grant of water lots; and also that he inform the Council of the number of water lots yet remaining unsold.

On motion, the following resolution was adopted:

Resolved, That the Comptroller, Treasurer and Collector be instructed to make out their respective reports, up to the 30th instant, inclusive, and submit the same to this Council at their regular meeting of 2d December, 1849.

The following resolution by Col. Stewart was adopted, and two thousand dollars devoted to carrying the same into effect.

Resolved, That Arch'd C. Peachy, Esq., Attorney for the City, be requested to proceed to Monterey, at as early a day as practicable, and procure from the public archives all original papers properly belonging to the Town and District of San Francisco, and certified copies of all such records as he may deem important and necessary. The expenses of the said mission not to exceed two thousand dollars.

The report of the Committee on Judiciary was received and adopted.

The report of the Committee on Streets was received and adopted.

On motion,
Resolved, That the Alcalde be, and is hereby instructed to have a catalogue made out and printed of all town lots granted or sold up to the date of the last public sale, not including the same.

Mr. N. R. Davis was removed from the office of Street Inspector, and Mr. Chas. E. Hitchcock elected to fill the vacancy.

Mr. James Gallagher was elected Gauger and Inspector of Liquors.

On motion, adjourned.

FRANK TURK, *Secretary.*

TWENTY-NINTH MEETING.

At an adjourned meeting of the Town Council, held on the evening of November 26th, 1849.

Present—Messrs. Harris, Harrison, Ellis, Brannan and Post.

No quorum being present, on motion, adjourned.

FRANK TURK, *Secretary.*

THIRTIETH MEETING.

At a meeting of the Town Council, held on Monday evening, November 27th, 1849.

Present—Messrs. Post, Harrison, Ellis, Green, Davis and Harris.

The minutes having been read and approved, sundry communications were received and laid upon the table.

On motion,

Resolved, That all foreigners requiring aid and succor in case of destitution or sickness, be directed to apply to their respective Consuls for such assistance as may be required.

On motion,

Resolved, That from and after this date, the maximum price to be paid for coffins used in burying the town dead shall be twenty-five dollars.

A communication from the City Surveyor was received, and on motion, it was referred to a Special Committee, consisting of Messrs. Harris, Green and Brannan.

On motion,

Resolved, That from and after this date, the salary of the Street Inspector be at the rate of three hundred dollars per month.

On motion,

Resolved, That fifteen certain lots, as referred to in the communication of the City Surveyor, be stricken off the list of lots advertised for sale at public auction.

The House then proceeded to the election of a Street Commissioner, to be under the direction of the Committee on Streets, and Mr. John J. Arentrue was declared duly elected to serve during the pleasure of the Council, and his salary to be at the rate of five hundred dollars per month.

On motion,

Resolved, That the sum of ten thousand dollars be placed at the disposal of the Committee on Streets, to be devoted to the necessary repairs thereof.

On motion,

Resolved, That the Chairman be instructed to advertise for sealed proposals, up to the 15th of December, for the fencing of the Cemetery in the south part of the town with brush; and further, that each interment made in the said Cemetery shall be subject to a charge of twenty dollars.

On motion,

Resolved, That the Captain of Police be directed to advertise for proposals to furnish coffins for the use of the town, as well as proposals for interring the dead who may have to be buried at the expense of the town.

On motion,

Resolved, That the Surveyor be directed to procure, at the earliest possible moment, the line of the Mission Dolores property bordering on the town of San Francisco, and to project the survey of the hundred vara lots lying south of Market street to the said line; and also, to get the line of the Presidio property and project the fifty vara lots to the same from the bay, thence southerly to Market street.

On motion,

Resolved, That the Alcalde be authorised to procure a proper and suitable iron safe for the care and safe-keeping of the public archives in his possession.

On motion,

Resolved, That Messrs. Harrison and Ellis be a Committee to wait upon the Town Treasurer and require him to furnish a bond in the sum of two hundred thousand dollars, with good and sufficient securities, and to receive from him and have the keeping of the town Treasury until the said bond shall be duly executed and filed.

On motion, adjourned.

FRANK TURK, *Secretary*.

THIRTY-FIRST MEETING.

Saturday evening, December 1st, 1849, Council met, Hon. John W. Geary, First Alcalde, in the Chair.

Present—Col. Steuart, S. Brannan, Harrison, Harris, Davis, Post and Green.

The report of the Committee to wait upon the Treasurer, T. M. Harrison, Chairman, was read and accepted, when, on motion, of Mr. Harrison,

Resolved, That until a Town Treasurer be appointed and shall have entered upon the duties of his office, the Alcalde act pro tem., and take charge of all the public moneys remaining in the Treasury, together with all the books, papers and all other property belonging to that office.

The resignation of Benj. Burgoyne, as City Treasurer, was read and accepted.

A communication from the Treasurer relative to the room he has occupied for an office, was read, and on motion, it was

Resolved, That said office be not rented by the city after the 8th of December, 1849.

Mr. Brannan, from the Committee on Public Expenditures, reported upon the bills referred to them as follows:

John Patterson, services to Legislative Council, rejected for want of vouchers.

Ch. S. Hallock, for thirty-one coffins, etc., passed at $25 per coffin, $775; lumber, $2; cartage, $3; total, $780.

Thos. B. Winston, rejected for want of vouchers.

The report was accepted, and the bill of Mr. Hallock ordered to be paid, as reported by the Committee.

The petition of Rodman M. Price, Treasurer of the Central Wharf Company, on behalf of said Company, praying the confirmation of certain grants made to them by T. M. Leavenworth, late Alcalde, "his predecessor and the Legislative Council," was read, and on motion referred to a Special Committee, consisting of Messrs. Steuart, Ellis and Brannan.

The resignation of Henry O. Ryerson, Assistant Collector, was read, and on motion accepted upon the settlement of his accounts with the city.

The petition of Geo. P. Andrews, relative to a wharf at the foot of Broad street, and praying permission to place a wharf there, under certain restrictions, was read, and on motion laid upon the table.

Mr. Steuart, Chairman of the Special Committee to whom was referred the petition of Messrs. Freanor, Bryant, Ward and others, relative to erecting wharves, reported adversely to the prayers of the several petitions referred to.

On motion, the report was accepted.

On motion of Mr. Harrison,

Resolved, That the grant given to Mr. Agnew and Capt. Dring by the former Legislative Council, be laid before this Council at their next meeting, together with the complaint entered against the building at the foot of Broadway, called the "Ocean," and that the Council make them the special order of the evening for final action.

On motion of Mr. Steuart,

Resolved, That Mr. Joseph Henriques, the present Recording Clerk of Land Titles, be employed, under direction of the Alcalde, to make a fair record of the Spanish Record Book B, and such other records as may be found in a similar condition, and also a translation in English of the same in alternate order.

Mr. Brannan offered the following Ordinance:

Be it ordained, That two hundred fifty vara town lots be sold at public auction on Friday, the tenth instant.

Upon which the yeas and nays were called for by Mr. Steuart, and were as follows:

Yeas—Messrs. Brannan, Green, Harris and Post—4.

Noes—Messrs. Harrison and Steuart—2.

So the Ordinance was passed.

On motion of Mr. Harrison, the resolution, adopting a place for certain public buildings, passed November 5th, was rescinded, and the whole subject referred to the Committee on Public Buildings.

On motion of Mr. Brannan,

Resolved, That the Alcalde be instructed to notify and warn all persons from erecting buildings fronting on the west side of Portsmouth Square from this date, at their own peril.

On motion of Mr. Green,

Resolved, That the Committee on Public Property be instructed to receive proposals for furnishing and placing posts not less than twelve inches square, and three feet below and five feet above ground, and sixteen feet apart, to be connected by chains or iron rods, commencing at the corner of the lot on Clay street owned by Mr. Laffan, and running on the line of Clay, Kearney and Washington streets and Portsmouth Square to the corner of Mr. Gillespie's lot, and that the necessary gates be placed in the same, and that the Surveyor define the lines of said Square.

On motion of Mr. Harris, the Council proceeded to the election of a City Treasurer.

Mr. Post nominated Mr. Meredith. Mr. Harrison nominated Mr. Burns. Mr. Steuart nominated Mr. Bagley.

On balloting, Mr. Meredith having received six votes was declare duly elected, and the Secretary was instructed to inform him of his election, that he may furnish the requisite bonds and enter upon the performance of the duties of his office.

Mr. Brannan offered the following:

Be it ordained, That the Alcalde be authorized to issue a proclamation to the citizens of San Francisco, appointing Friday, the sixth inst., as a day of election for eleven delegates to draft a city charter to be presented to the State Legislature for adoption: which was lost.

On motion, the vote by which said resolution was lost was reconsidered, and after being amended, by striking out "proclamation" and inserting "hand-bill;" striking out "appointing" and inserting "recommending," was adopted.

Two bills for record books procured by Hon. John W. Geary, amounting to $22, were read and ordered to be paid.

A bill of Dr. E. Ely, for medical services, amounting to $298, was referred to the Committee on Public Expenditures.

On motion,
Adjourned until Monday evening, at 6 o'clock.

FRANK TURK, *Secretary.*

THIRTY-SECOND MEETING.

At a meeting of the Town Council, held on Thursday evening, December 6th.

Present—Messrs. Ellis, Harris, Harrison, Davis, Green, Steuart and Price. The minutes of the previous meeting having been read and adopted.

Several communications were read and laid upon the table.

Sundry bills against the town were referred to the Committee on Expenditures.

The consideration of appointing a Health Officer for this port, was referred to the Committee on Police and Health.

The report of the Committee upon badges for the use of Police Officers, reported in favor of appropriating $600 to furnish silver medals or badges, according to a sample submitted to the Council. The Chief of Police to be furnished with a similar badge of gold, marked with the words "Chief of Police;" also, that the same be paid for by the officers wearing the same, and the money be refunded for the same upon their re-delivery to the Chief of Police.

The report of the Committee on Public Buildings was received and adopted.

The report of the Committee on Wards was received and adopted.

On motion of Col. Steuart,

Resolved, That the Committee on Health and Police be instructed to inquire into the expediency of providing a Station or Lock-up House in each of the four wards of the town, and if in their opinion the same be necessary, they select the place or places, and report upon what terms such Station or Lock-up Houses can be procured.

On motion of Mr. Green,

Resolved, That the Clerk of the Town Council be authorized to advertise to receive proposals until the twenty-fifth day of December, 1849, for all the necessary printing of the town: proposals to state their terms per square or sheet, and for each one hundred hand-bills of one sheet, and one-half sheet, and posting the same.

On motion of Mr. Post,

Resolved, That the streets most easy to grade be opened or graded so as to have a wagon road leading to the ground designated as a Cemetery, for the purpose of the burial of the dead in that ground.

On motion,

Resolved, That the Alcalde be empowered to draw upon the treasury for the amount certified to be due for labor expended on the streets; such bills to be duly certified by the Street Commissioner.

Mr. Frank Turk, Secretary, tendered his resignation to the Board, when on motion the House adjourned.

FRANK TURK, *Secretary*.

THIRTY-THIRD MEETING.

At a meeting of the Town Council, held December 10th, 1849.

Present—Messrs. Steuart, Price, Green, Post, Brannan, Townsend, Harris, Davis, Harrison and Ellis.

The resignation of Frank Turk, Esq., as Secretary of the Council, was accepted, and Henry L. Dodge elected to that office.

The following report of Committee for the special purpose of removing Brig Euphemia, read and accepted, and the bills accompanying it allowed, viz:

To the Honorable Council of Town of San Francisco:

GENTLEMEN:—Your Committee appointed for the special purpose of removing the Brig Euphemia, bought and owned by the town as a vessel for the receipt of prisoners, would respectfully report;

That in accordance with your instructions they have, so far as in their power, complied with your orders and instructions, and offer the following and accompanying bills the result of same, and recommend their payment.

Respectfully, yours,

(Signed) G. B. POST,
W. H. DAVIS.

The following report of Committee on Health and Police read and accepted:

Your Committee, to whom was referred the subject of furnishing teams for the purpose of removing nuisance from the streets, would respectfully report as follows;

That your Committee has taken the same into consideration, and would suggest that the best means of producing the object desired would be to purchase at least two mule teams, to be placed under the superintendence of the Street Commissioner, and subject to the order of the Street Inspector whenever he shall require the same for the removal of nuisances, or any other business connected with his office; and at all other times such teams can be used for the improving of the streets, and under the entire control of the Street Commissioner; all of which your Committee would respectfully submit for your consideration.

A. J. ELLIS,
WM. S. STEUART.

The following petition read, viz:

To the Honorable Town Council of San Francisco:

The undersigned respectfully beg leave to call the attention of your honorable body to the state of the streets leading to that portion of the town known by the name of Happy Valley, and the property adjacent. Owing to the rapid increase of the population of this town, the beach formerly used as a road has now been built upon by the owners of the different lots located there, and it is now almost impossible for vehicles or even foot passengers to pass to said valley, unless they go over the sand hills, which now obstruct the roads, as laid out by the Surveyor of this town. The subscribers having raised by subscription the sum of five thousand five hundred dollars for the purpose of commencing the work of opening Sansome street to Bush street, Bush street to First street, Market street to Second street, Mission street to Fourth street, and First to Folsom street, would respectfully petition to your honorable body, that such part of the above work as may not be completed by private subscription may be furnished by an appropriation from the town.

Deeming this to be an important movement towards advancing the prosperity and welfare of the town, we respectfully beg your serious consideration of this petition, and your petitioners will ever pray.

Henry Mellus,
W. D. M. Howard,
Thos. O. Larkin,
J. H. Poett,
Edwin Bryant,
Rodman M. Price,
Francis Mellus,

J. Belden,
H. F. Teschemacher,
Joseph P. Thompson,
Starkey, Janion & Co.
James Lick,
Thos. Everett.

On motion of Col. Steuart,

Resolved, That five thousand dollars be appropriated from money in the town treasury for carrying the foregoing petition into effect, and that the same be expended by the Street Commissioner under the direction of the Committee on Streets in the same ratio and amount as shall be expended or advanced by the said petitioners for the purposes aforesaid.

Adopted by the following vote:

Ayes—Messrs. Steuart, Price, Green, Townsend and Harris—5.
Nays—Messrs. Brannan, Post, Davis, Harrison and Ellis—5.
Carried by the casting vote of the President.

On motion of Mr. Brannan,

Resolved, That a Committee of three be appointed by the Chair, to purchase such number of teams as may be necessary to complete the immediate improvements of the streets; said Committee to report their proceedings to the Council at their next meeting.

Adopted by the following vote:

Ayes—Messrs. Steuart, Green, Post, Brannan, Townsend, Harris and Ellis—7.

Nays—Messrs. Price, Harrison and Davis—3.

Mr. Price enters the following protest for record, viz.:

Mr. Price begs leave respectfully to protest against the resolution just passed authorizing a special committee of this Board, to purchase animals and carts for the purpose of repairing streets, believing as they do, that it is the most expensive way of doing repairs, and that the only proper mode of having the work done, is by advertising for proposals to contract for any and all work that the Town Council may have to do; and they further believe that the Town Council exceeds its authority in purchasing the animals which the resolution just passed contemplates.

Messrs. Steuart, Harris and Brannan were appointed by the Chair on said Committee.

On motion of Mr. Post,

Inasmuch as a large number of town lots have already been sold at public auction, and still leaving a large number of lots not granted or sold; therefore,

Resolved, That the Alcalde be, and is hereby authorized to grant to any or all applicants, lots of one hundred varas, at and for the price of five hundred dollars each, and for fifty vara lots, two hundred dollars each, and that such grants be continued for the space of thirty days from the 15th inst.

Adopted by the following vote:

Ayes—Messrs. Price, Green, Post, Brannan, Townsend, Harris, Davis and Ellis—8.

Nays—Messrs. Steuart and Harrison—2.

Motion of Mr. Post to admit Frank Turk, Esq., to full membership of the Town Council, passed *viva voce*.

On motion of Mr. Brannan,

Resolved, That one thousand dollars be appropriated to the survey of the bay of San Francisco and Sacramento river, by Capt. Ringgold, of the U. S. Navy.

Adopted by the following vote:

Ayes—Messrs. Steuart, Green, Post, Brannan, Harris and Davis—6.

Nays—Messrs. Price, Townsend, Harrison and Ellis—4.

Messrs. Harrison and Post gave notice of their intention to resign.

Motion of Col. Steuart that the report of the Building Committee be referred back to said Committee, and that they be authorized to advertise for proposals for plans of a Court and Jail House, and to pay for a plan of a Court House (if accepted) $300, and for the Jail House $200. Passed.

On motion of Mr. Harrison,

Resolved, That a Special Committee of three be appointed by the Chair, for the purpose of considering and reporting what measures are required to prevent the discharging of convicts from foreign vessels entering this harbor.

Messrs. Harrison, Steuart and Price were appointed that Committee.

On motion of Mr. Brannan, the House adjourned.

H. L. DODGE, *Secretary*.

THIRTY-FOURTH MEETING.

At a meeting of the Town Council, held on the eleventh day of December, 1849.

Present—Messrs. Townsend, Post, Green, Ellis, Brannan, Harrison and Steuart. The minutes of the previous meeting having been read and adopted.

XEROX

Xerox University Microfilms
Ann Arbor, Michigan 48106

WESTERN AMERICANA

Reproduced from the original in the collection of
THE HENRY E. HUNTINGTON LIBRARY AND ART GALLERY

On motion of Mr. Post, the House went into Committee of the Whole, for the consideration of bills against the town, when the following bills were allowed, viz:

Wm. M. Eddy, City Surveyor	$4,060 02
Wm. M. Eddy	647 00
Newell & Somers	260 00
E. Gilbert & Co., Printing	1,326 00
Wm. Howard	36 00
Police Roll	4,991 00
Whong Tang Restaurant	71 50
Charles A. Gurley, Town Weights	125 00
Dr. Palmer, City Physician	230 00
Henrickson & Co.	24 00
Juana Herminia	30 00
—— Robertson	42 00
Robinson & Farrell, Medicines	236 50
George Smith	152 00
Tucker, Pierson & Co.	1,014 00
Tucker, Pierson & Co.	156 00
City Hospital	8,751 00
Jno. E. Townes, Coroner Fees	129 00
J. Cade, Sergeant-at-Arms	100 00
Newell & Co.	74 00
Barthow. Traiv	50 00
Chas. B. Marvin	1,000 00
W. A. Woodruff, Official Seal	50 00
Chas. Willson, Record Books	74 00
Capt. Cartwright	325 00
Probst, Smith & Co.	380 90
William H. Davis	48 00
A. T. Lawton	50 00
Macondray & Co.	654 45
Simmons, Hutchinson & Co.	8 00
	$

On motion of Mr. Harrison,

Resolved, That the Comptroller, Treasurer, Collector and Street Commissioner be instructed to make out their several accounts up to the first of January, and lay them before this Council at their first meeting after that date.

On motion of Mr. Green, the bill of John A. Patterson was returned for the certificate of Mr. Lippit, late Speaker of the Legislative Assembly.

On motion of Dr. Townsend,

Resolved, That the Street Commissioner be directed to construct a culvert in Jackson street, to carry off the water that may accumulate, of at least two feet in the clear, of sufficient strength to bear the weight of earth that may be necessary to raise the street to a proper grade.

Motion of Mr. Harrison to reconsider the bill of Dr. Breckinridge and let it lay over until another meeting: passed.

On motion of Mr. Green,

Resolved, That the City Surveyor be instructed to report to the next meeting of the Council the least number of persons required by him at the expense of the city.

Motion of Col. Steuart, to defer the election of Health officer until another meeting: passed.

When the House adjourned.

H. L. DODGE, *Secretary*.

THIRTY-FIFTH MEETING.

Council met December 13th. Present—Messrs. Post, Green, Ellis, Simmons and Brannan.

Frank Turk presiding, there not being a quorum, adjourned to meet Friday, 21st December.

H. L. DODGE, *Secretary*.

THIRTY-SIXTH MEETING.

At a meeting of the Town Council, held December 21st.

Present—Messrs. Steuart, Price, Green, Ellis, Davis and Harrison; Frank Turk presiding.

The minutes of the previous meeting having been read and adopted.

Petition of Messrs. Bingham & Reynolds, Bartlett & Co., DeWitt & Harrison and others was read, when, on motion of Mr. Harrison,

Resolved, That the sum of five thousand dollars be appropriated for the improvement of Sansome street from Broadway to Pacific, and Broadway from Sansome to the intersection of Ohio street, to be placed at the disposition of the Committee on Streets.

On motion of Mr. Harrison, the House proceeded to the election of Health officer for the Port of San Francisco, *viva voce*, when Dr. S. R. Gerry was unanimously elected.

On motion of Mr. Harrison,

Resolved, That the Committee on Health and Police be instructed to report ordinances for the government of the Health officer.

On motion of Col. Steuart, that whereas, it has this day been made to appear to the Ayuntamiento that J. Q. Colton, a Justice of the Peace, in and for the town of San Francisco, has assumed the authority and pretends to exercise the right of selling, granting and disposing of lots within the limits of said town,

Resolved, That Arch'd C. Peachy, Esq., City Attorney, be directed to institute legal proceedings against the said Colton to restrain him in such illegal and unwarrantable practices, and to make him amenable, by due process of law, for a misdemeanor and malfeasance in office.

Resolved, That a copy of this resolution be published in the "Alta California," the "Pacific News," and in hand-bills, to warn all persons against trespassing upon the public property, under pretence of titles obtained by such fraudulent means, and under such pretended authority.

On motion of Col. Steuart,

Resolved, That the Committee on Streets be authorized to procure a suitable building, to be used by the Street Commissioner as his office, and as a place for safe keeping tools, etc., and that the bill for such expenditures shall be paid by the Treasurer out of any money in his hands not otherwise appropriated.

Col. Steuart, from the Committee on Health and Police, made a report, which was read and adopted.

On motion of Mr. Ellis,

Resolved, That the office of Street Inspector be from this date abolished.

On motion of Col. Steuart,

Resolved, That the Commissioner of Streets be authorized to procure from on board the "Euphemia" such quantity of her sails as may be required to make stables for the public cattle in his charge.

On motion of Col. Steuart,

Resolved, That the Street Commissioner submit each week to Chairman of the Committee on Streets, bill of expenditures, or estimate for the amount required to discharge his weekly liabilities, and when the same are approved and certified, that the same be paid to the Commissioner in legal currency by the Treasurer, out of the special appropriation for the improvement of streets.

On motion of Col. Steuart,

Resolved, That the Treasurer be authorized and is hereby directed to convert into coin, the currency of the United States, gold dust in his hands belonging to the town, at its fair market value, sufficient to meet the requisitions for the improvements of streets.

The following resolution was offered by Col. Steuart and laid upon the table:

Resolved, That the sum of fifty thousand dollars be and the same is hereby set apart and appropriated for the special improvement of the streets within the limits of the town of San Francisco.

On motion of Mr. Green,

Resolved, That the Chief of Police be instructed, that in discharging any person employed as Policeman, to withhold his wages until he return the badge of office belonging to the city.

On motion of Mr. Green, the Secretary was directed to request the Prefect, or in his absence, the Sub-Prefect, to call a meeting of the voters in this town on the first Monday in January next, for the purpose of electing members to fill the vacancies in the Ayuntamiento or Town Council.

The following bills were read and allowed, viz:

John A. Patterson, for services as Register, etc.,	$1,035 00
Dr. Breckinridge, post mortem examination of P. Petit,	200 00
DeWitt & Harrison, tools for the town,	80 75
DeWitt & Harrison, blank book,	15 00
Rohlle & Co., badges for Police officers,	830 00
	$2,160 75

On motion, adjourned.

H. L. DODGE, *Secretary.*

THIRTY-SEVENTH MEETING.

At a special meeting of the Town Council to take into consideration the necessity of making arrangements for the protection and assistance of the sufferers by the conflagration of this morning, (December 24th, 1849.)

Present—Messrs. Steuart, Price, Ellis, Harris, Green, Brannan, Turk, Davis, Simmons and Harrison. Hon. John W. Geary presiding.

On motion of Mr. Price,

Resolved, That on account of the disastrous fire which occurred this morning, and the large amount of property now exposed to depredations, the Alcalde be authorized to empower the Chief of Police to employ a sufficient number of persons to guard the burnt district, so as to render full protection to the property of the sufferers, and to retain them as long as necessary for that purpose; the persons so employed shall be under the immediate direction of the Chief of

Police, and be paid such compensation as shall be approved by the Alcalde.

On motion of Mr. Brannan,
Resolved, That the President of the Council of San Francisco is hereby instructed to solicit the assistance of the Navy, through the commanding officer of the same, to station in front of the town a guard, with boats, during the night, to prevent property from being taken on board of vessels unlawfully.

On motion of Mr. Price,
Resolved, That the sufferers by the disastrous fire of this morning be requested to register, at the Alcalde's office, the amount of their loss at as early a period as practicable, so that any contributions that may be made for their relief may be equally distributed.

On motion of Mr. Price,
Whereas, the town severely suffered this morning from the want of necessary organization and means to meet the devastating element of fire, therefore,
Resolved, That the citizens be requested to meet in Portsmouth Square, on Wednesday next at 12 o'clock, M., to take such measures as may be deemed advisable to protect the town against another such calamity, by organizing fire companies, and that the Town Council will supply the hooks, ladders, axes, ropes, etc., to be kept by said companies.

On motion of Mr. Steuart,
Resolved, That the Alcalde be authorized to send to the Hospital, or provide in the most ready and suitable manner to afford immediate aid with proper medical attendance, to those individuals who, in their praiseworthy exertions during the recent fire, have received any bodily injury.

On motion,
Resolved, That the proceedings of this meeting be published in the papers of this city.

On motion, adjourned.

H. L. DODGE, *Secretary*.

THIRTY-EIGHTH MEETING.

At a meeting of the Town Council, held December 24th, 1849.

Present—Messrs. Steuart, Price, Post, Green, Harris, Simmons, Davis, Brannan, Harrison and Turk. Hon. Jno. W. Geary presiding.

On motion of Col. Steuart, the Assistant Captain of Police was directed to assemble so many men as should be necessary for the purpose of suppressing and guarding the recent fire.

Communications from Dr. Palmer and A. C. Peachy, Esq., read and laid on the table.

Communication from A. C. Peachy, Esq., relating to the grants of Justice Colton, accepted and filed.

Petition of Bernard Nollner, for grant of land, laid on the table.

Report of Col. Steuart, Chairman of Committee on Wharves, was read and accepted.

On motion of Mr. Turk,

Resolved, That the salary of Major Beck, Assistant Captain of Police, be increased to $400 per month.

Report of City Surveyor read and accepted.

Report of Committee on Expenditures read and accepted.

The petition of Hall McAllister, Esq., for a deed to lot No. 432, was referred to a special committee of two, in connection with the Chair, to ascertain if any previous grant or grants to said lot had been made. Messrs. Turk and Davis were appointed.

Plans for Public Buildings and accompanying communications and report read and referred to Committee on Public Improvements.

On motion of Col. Steuart, the rules were suspended to consider the following Ordinance, which was adopted:

AN ORDINANCE.

The Ayuntamiento of San Francisco in Council assembled:

Be it ordained, That an Act to incorporate the Central Wharf Joint Stock Company of San Francisco, passed on the third day of May, 1849, by the people of San Francisco, represented in Legislative Assembly, be and the *same* is hereby re-enacted and confirmed, giving, granting and confirming unto the said Central Wharf Joint Stock Company all the rights and privileges conferred by said Act of incorporation, limited by the terms, conditions and reservations therein contained; and be it further ordained, that in order more effectually to secure and guarantee to the said Central Wharf Joint Stock Company the rights and privileges hereby granted, the lots lying and being situate between the Wharf of the said Company, and Clay street and Sacramento street, out to ship channel, now covered with water, shall not be sold, granted, leased, or appropriated to any other use or purpose than that specified in the charter of the said Company.

JOHN W. GEARY, *President*.

H. L. Dodge, *Secretary*.

On motion of Mr. Post,

Whereas, it being evident that the late Alcalde, Mr. Leavenworth, having illegally, and injuriously to this town, granted lots without the proper authority, therefore,

Resolved, That the said Mr. Leavenworth be proceeded against according to law, and he be required to give bonds to the amount of ——— dollars to indemnify the town against any loss that may arise from such illegal grants; and that our Attorney be instructed to so prosecute, and without delay.

On motion of Mr. Green,

Resolved, That a Committee of two be appointed to call on the officers of Central Wharf Company, Roach & Woodworth, Ross, Benton & Co., E. Mickle & Co., and demand pay for the timber used by them belonging to the town.

On motion of Mr. Brannan,

Resolved, That a Committee of five be appointed by the Chair to draft a charter for the incorporation of the city of San Francisco, to present to the people for their approval or disapproval.

Messrs. Brannan, Davis, Turk, Harrison and Price were appointed.

Col. Steuart tendered his resignation.

On motion of Mr. Brannan, the same Committee for drafting a charter for the city were appointed to examine and define extent of territory to be embraced within the limits of said city.

On motion of Mr. Price,

Resolved, That the Town Council hereby declares all grants of town lots made and signed by J. Q. Colton, Justice of the Peace, void and of no effect, the same having been authorisedly and illegally made; and that this resolution be published in the Alta California and Pacific News for thirty days.

On motion of Col. Steuart,

Resolved, That the Secretary be directed to have two hundred copies of the Journal of the Proceedings of the Ayuntamiento up to and including this evening session printed, as early as possible, in pamphlet form.

On motion of Mr. Harris, the resolution adopted December 10th, giving the Alcalde power to grant town lots, was rescinded.

On motion of Mr. Brannan,

Resolved, That one hundred and fifty town lots in San Francisco be sold at public auction on the 20th day of January next.

On motion of Mr. Brannan,

Resolved, That purchasers of water lots on the third of January be required to pay one-quarter in advance, one-quarter in three months, one-quarter in six months, one-quarter in nine months.

On motion of Mr. Brannan,

Resolved, That a Committee of three be appointed by the Chair to make reservations of such town lands as may be necessary and proper for public squares and other public purposes.

Messrs. Brannan, Green, Davis were appointed.

On motion of Col. Steuart,

Resolved, That the Committee on Public Buildings be authorised to select suitable lots or situations for the erection of a Town Hall nad

Jail, and ascertain the terms upon which such lots may be purchased, and report to the next meeting.

On motion of Mr. Green,
Resolved, That the President be authorized to call upon Major R. P. Allen and receive from him $10,000 for the use of the town, and give bonds on account of the town for the same.

The resignation of Mr. Simmons was read and accepted, and the thanks of the Council tendered him for his efficient services.

When on motion, adjourned.

H. L. DODGE, *Secretary.*

THIRTY-NINTH MEETING.

At a meeting of the Ayuntamiento, held December 26th, 1849.

Present—Messrs. Steuart, Price, Post, Green, Ellis and Harrison. Hon. John W. Geary in the Chair.

The proceedings of the previous meeting having been read and approved, a communication from A. C. Peachy, Esq., City Attorney, relating to a suit against T. M. Leavenworth, was read and laid on the table.

Memorial of Horace O. Gaylord, relating to his loss by the recent fire, read and referred to a Special Committee.

Petition of G. B. Post and others, for a grant of a plot of ground for a cemetery for the Independent Order of Odd Fellows, was read and laid on the table.

Petition of Frank Ward, relative to supplying the city with water read and referred to a Special Committee, viz: Messrs. Steuart, Green, Post.

On motion of Mr. Price,
Resolved, That the petition of Edward E. Dunbar and others, for

relief for damages sustained by them in having their buildings blown up or pulled down by order and under the direction of the city authorities, during the recent fire of the 24th inst., be referred to the Committee of Judiciary, and that the said Committee are hereby instructed to obtain a written opinion from the City Attorney as to the liabilities of the city for property thus destroyed.

Report of the Committee on Public Improvements read and laid on the table for further action.

On motion of Mr. Price,

Resolved, That ($800) eight hundred dollars be hereby appropriated and expended, by and under the direction of the Alcalde, in purchasing axes, ropes, hooks, ladders and a wagon, to be given over to the keeping of the fire company now organizing by Mr. Edward Otis, styled the "Independent Unpaid Axe Company."

On motion of Col. Steuart,

Resolved, That upon the presentation of a certified statement of the amount already expended and required for the current week in the opening of Sansome street to Bush street, Bush street to First street, Market street to Second street, Mission street to Fourth street, and First street to Folsom street, and the same being approved by the Committee on Streets, the Treasurer is hereby authorized to pay the said account out of the fund specially appropriated for the improvements of streets.

On motion of Mr. Green, Col. Steuart was made a member of the Committee on Streets and Public Improvements.

Mr. Harrison's resignation was read and accepted, and the thanks of the Council tendered him for his zealous and efficient services.

On motion, adjourned to December 31st, 1849.

H. L. DODGE, *Secretary*.

FORTIETH MEETING.

At a meeting of the Town Council held December 31st, 1849.

Present—Messrs. Steuart, Brannan, Green and Ellis. Hon. John W. Geary presiding.

The following communication from the Chairman was read:

To the Honorable the Ayuntamiento of San Francisco:

GENTLEMEN:—I have the honor to announce to you the resignation of Messrs. Simmons, Harrison, Post, Harris and Townsend, as members of the Ayuntamiento.

The Mexican law allows a majority of the members to constitute a quorum, therefore the number required to constitute a quorum of your body will be four until further notice.

Very respectfully, your ob't servant,
JNO. W. GEARY, *Chairman.*

The minutes of the previous meeting were then read and approved.

Communication from Dr. S. R. Gerry, accepting the appointment of Health officer of the Port of San Francisco, was read and filed.

Communication from the Prefect relating to the financial statement of the municipal fund read, and on motion of Mr. Brannan, it was ordered that a report be made and forwarded to the Prefect.

Communication from the Prefect in reference to the acts of Justice Colton in granting town lots, read and referred to the following Committee, viz: Messrs. Steuart, Brannan and Ellis.

Communication from the Prefect, in reference to calling a meeting to elect members to the Town Council, referred to the last named Committee.*

Communication of Mr. Kebner laid on the table.

---

* See Appendix No. 3.

Communications from Mr. Tiffany, offering for sale lots for Public Buildings for the town, referred to the following Special Committee appointed by the Chair, viz: Messrs. Brannan, Steuart and Green.

Petition of D. M. Chapman, relative to supplying the city with water, referred to the Special Committee for such matters.

Petition of N. Miller and others, for an appropriation to complete the opening of Battery street, referred to Committee on Streets.

Petition of James Soruco, for relief for loss sustained during the late fire, read and referred to the Special Committee appointed for that purpose.

Report of the Town Surveyor read and accepted.

On motion of Mr. Green, unanimously,

Resolved, That the Alcalde be, and is hereby authorized to deed to the town of San Francisco, as a reserve forever, town water lots laying between Washington and Clay, and Front and Davis streets, No. 459, 460, 465, 466, triangle on Market street, No, 505, 506, 507, being between Pine and Front street, and six lots No. 680, 687, 690, 679, 688, 689, between Spear and Stewart streets and Mission and Howard streets, to be reserved for Public Market and Police Stations, and for no other purpose.

On motion of Col. Steuart,

Resolved, That a Special Committee be appointed, to report at the next meeting what shall be the most appropriate mode of reserving from future sales the water property in front of the lots now advertised for sale, and dedicating the same to public uses, or for the erection of wharves and slips for the use and benefit of the town.

Messrs. Steuart and Brannan were appointed.

On motion, adjourned to January 2d, 7 P. M.

H. L. DODGE, *Secretary.*

FORTY-FIRST MEETING.

At a meeting of the Town Council, held January 2d, 1850.

Present—Messrs. Steuart, Brannan, Ellis, Green, Price, Davis and Turk. Hon. John W. Geary presiding.

The minutes of the previous meeting having been read and approved.

Communication from B. Nollner, concerning grant of a fifty vara vara lot, laid on the table.

Communication from the Prefect referred to the Committee previously appointed for a similar communication, Steuart, Chairman.

Communication from W. C. Rogers returned.

Communication from J. Gilbert laid on the table.

Communication from S. C. Simmons laid on the table.

Petition of A. Melhado laid on the table.

Petition of S. W. Halsty & Earl and McIntosh, for relief from loss sustained by fire, referred to Judiciary Committee.

Petition of Z. Snyder and J. D. Atkinson, to assist J. B. Brown, refused.

Petition of W. S. Clark laid on the table, and the Alcalde authorized to strike the lot referred to from the catalogue, if he deems it proper.

The following report of Wm. H. Davis, Chairman of Committee on Expenditures, read and accepted, to wit: that the following bills be paid:

Tucker, Pierson & Co., coffins,	$ 550 00
Joel Allen, coffins,	800 00
George Smith & Co., burying the dead,	570 00
Charles Marshall, boarding bill,	79 00
Robert Beck, furnishing Station House,	89 50
Brooks & Friel, furnishing Station House,	76 50
E. Laffan, rent,	150 00
Robert Beck, holding inquest,	22 00
John Rehr, posting bills,	20 00
Shepherd & Devor, candles,	47 50
C. W. Cornell & Co., coffins,	300 00
Tucker, Pierson & Co., coffins,	156 00
E. Laffan, rent,	460 00
Charles S. Halleck, coffins,	780 00
William W. Whaites, candles,	93 00
Eastman & Barr, rope at the fire December 24th,	10 00
Wm. M. Eddy and others,	2,487 80
Chas. E. Hitchcock, Street Inspector,	185 00
Chas. E. Hitchcock, Street Inspector,	300 00
Sam'l J. Clock, Jr., Coroner's fees,	60 00
C. C. Parker, lumber,	74 00
	$8,310 30

Report of Col. Steuart, Chairman of Committee on Health and Police, read and laid on the table for future consideration.

Report of S. Brannan, Chairman of Committee to whom was referred the petition of P. Dexter Tiffany, offering a lot for sale for the public use of the town, read and accepted.

Report of Frank Turk, Esq., Chairman of Committee to consider the petition of H. McAllister, asking a confirmation to title of fifty vara lot No. 432, read and accepted.

On motion of Col. Steuart, the rules were suspended to take into consideration the report of Committee on Health and Police. After adopting five sections of said report, it was again laid on the table.

On motion of Mr. Price,

Resolved, That the Committee to whom was referred the petition of

P. Dexter Tiffany be instructed to obtain the written opinion of A. C. Peachy, Esq., City Attorney, with regard to the validity of the title of the property offered for sale in said petition, and that the proper deeds, if approved by the City Attorney, be executed to Sam'l Brannan and Talbot H. Green as trustees for the town; and that the Alcalde be authorized to draw in favor of said Brannan and Green upon the Town Treasury for the sum of $50,000 to pay for said property.

On motion of Col. Steuart, the report of Committee on Health and Police was again taken up and adopted.

On motion of Col. Steuart,

Resolved, That the appointment and acceptance of Dr. S. R. Gerry to the office of Health officer of the Port of San Francisco, together with the ordinances this evening passed and certified by the President and Secretary, and the correspondence with Commodore Jones and J. Collier, with regard to the election of Health officer, be published in the Alta California and Pacific News.

On motion of Mr. Ellis,

Resolved, That all the beach and water property outside and to the eastward of East street (as represented upon the map of the town of San Francisco) be reserved for the use of the public, except such part or parts as the town may require for the purpose of erecting wharves, docks or slips.

On motion of Mr. Brannan,

Resolved, That a Committee of two be appointed by the Chairman to draft a petition to the Governor for the suspension of the Prefect and Justice Colton for malfeasance in office.

Messrs. Turk, Price appointed.

On motion of Col. Steuart,

Resolved, That the Secretary be authorized to procure an iron chest, suitable for the safe-keeping of the books and papers containing the proceedings of this Council.

On motion, adjourned.

H. L. DODGE, *Secretary*.

FORTY-SECOND MEETING.

At a meeting of the Ayuntamiento, January 7th, 1850.

Present—Messrs. Steuart, Brannan, Price, Green, Ellis and Turk. Hon. John W. Geary in the Chair.

The minutes of the previous meeting were read and approved.

Communications from Richard N. Berry, Auctioneer, and H. H. Green, relating to the moving of the Prison Ship; W. R. Lount, relating to the altering of the town building; Thos. J. Healey, relating to ornamental improvement of the streets, read and laid on the table.

Communications and claims from persons having suffered by the late fire, referred to the Committee on Judiciary.

Bill of Edward Otis, for Hook and Ladder Company, read and ordered paid—$325 50.

Bills against the town for payment, referred to Committee on Expenditures.

Report of Comptroller, Treasurer and Collector referred to Special Committee consisting of Messrs. Ellis, Turk and Green, in connection with the Chair of the Council.

Mr. Green, Chairman of Committee for fencing in Portsmouth Square, reported progress, and on motion, the subject was laid over until the next meeting.

On motion of Mr. Brannan, the Committee on Public Buildings were instructed to assign the rooms in the Public Building to their appropriate offices, and notify the public officers of the same as soon as practicable.

A petition from the citizens in the vicinity of Montgomery and Sansome streets, for the improvement of Jackson street, was read, when on motion of Col. Steuart, it was

Resolved, That the Committee on Streets be instructed to take the earliest steps to have Jackson street, between Montgomery and Sansome streets, repaired as prayed for in a petition signed by a number of citizens residing on said streets.

On motion of Col. Steuart,

Whereas, a petition has been presented to the Ayuntamiento by a large number of citizens residing in the neighborhood of Clark's Point, stating the great importance of opening a good read on Battery street, between Broadway and the landing known as Merrill's Dock, and that the sum of two thousand dollars has been raised by the said petitioners for the purpose aforesaid, but which sum being insufficient, the petitioners pray additional aid to carry into effect the said improvement; therefore,

Resolved, That the sum of three thousand dollars be and the same is hereby appropriated, to be drawn for and expended under the orders and direction of the Committee on Streets, in aiding to make the said improvement as prayed for by the petitioners.

On motion of Col. Steuart,

Resolved, That the sum of ten thousand dollars be and the same is hereby appropriated for the further improvement of Streets, and the Treasurer is hereby authorized to pay the same to the order of the Committee on Streets out of any money in the Treasurer not otherwise appropriated.

On motion of Mr. Price,

Resolved, That from the funds to be received from the sale of water lots on the 3d inst., two hundred thousand dollars is hereby appropriated and applied to the construction and building of a wharf on the line of California street to its junction with Market street, and then continued on a line with Market street to Ship Channel, said wharf to be made the entire width as said streets, and to be completed to accommodate the increased commerce of this port in the shortest possible time; and that Capt. E. D. Keyes is hereby appointed engineer to submit plans for the said wharf, and that it shall be his duty to superintend its construction at a salary of ten hundred dollars per month, to be computed from the day of his acceptance of this appointment; and he is hereby authorized to receive proposals for the materials for the building of the wharf agreeably to the plans that may be approved by the Council.

On motion of Mr. Ellis,

Resolved, That one hundred thousand dollars of the money to be received from the sale of beach and water lots on the 3d inst., be appropriated for the construction of a wharf at the foot of Pacific street, running on a line of said street to deep water.

On motion of Mr. Price,

Resolved, That the Street Committee give public notice that they will receive plans for the pavement improvement of the streets of the city, the work upon the mode adopted to be contracted for.

On motion of Mr. Ellis, the rules were suspended and the following Ordinance was adopted, viz:

Whereas, by the Act incorporating the Central Wharf Joint Stock Company, passed by the Legislative Council of San Francisco, it is provided by the fourteenth section that no dividend of profits shall be made exceeding thirty-six per centum per annum; now, therefore,

Be it ordained, That the fourteenth section of said Act is hereby repealed, and the dividend of profits to be made by said Company unrestricted.

On motion of Mr. Green,

Be it ordained, That the Alcalde, or President of the Town Council, be and is hereby authorized to notify all persons who have purchased town lots at any of the former sales by auction, be required to come forward and pay up the balance due and take out their deeds within ten days; and all persons purchasing water lots at the sale on the 3d of January be required to take out their deeds within twenty days, or forfeit all right to the same.

Resignation of Mr. Price was read and accepted, and the thanks of the Council tendered him for his efficient services.

On motion, adjourned till January 9th, 7 P. M.

H. L. DODGE, *Secretary*.

FORTY-THIRD MEETING.

Council meeting January 9th, 1850. At an adjourned meeting of the Town Council, holden January 9th, 1850.

Present—Messrs. Steuart, Green and Turk. Hon. John W. Geary presiding.

No quorum being present, the House adjourned to Friday, the 11th inst., at 7 P. M.

H. L. DODGE, *Secretary.*

FORTY-FOURTH MEETING.

Council meeting January 11th, 1850. At a meeting of the Town Council, on the eleventh of January, 1850, the oath of office was administered to Hon. John W. Geary, as First Alcalde of the District of San Francisco, by the Prefect. The Alcalde then proceeded to administer the oath of office to Messrs. A. J. Ellis, T. H. Green, Wm. M. Steuart, Wm. H. Davis, S. Brannan, J. S. Graham, F. Tilford, F. C. Gray, J. Hagan, M. Crooks, A. M. Van Nostrand and Hugh C. Murray, who took their seats as members of the Ayuntamiento or Town Council of San Francisco.

The President having invited the Prefect to preside over the present meeting, on motion of Hon. John W. Geary, the House proceeded to the election of a Secretary *viva voce*, when Henry L. Dodge, Esq., was declared to be unanimously elected, and having received the oath of office from the Alcalde, the Council was declared to be organized, and proceeded to the transaction of business.

The minutes of the two previous meetings were read and approved, when, on motion of Col. Steuart, it was

Resolved, That the following Standing Committees be appointed, viz:

Committee on the Judiciary, Committee on Health and Police, Committee on Finance, Committee on Expenditures, Committee on Streets, Public Buildings and Public Improvements.

Resolved, That the several Standing Committees be filled by the President and be submitted to the Ayuntamiento at the next meeting for approval or amendment.

On motion of Col. Steuart,

Resolved, That a Committee consisting of five members of this Council be added to the Standing Committee, which shall be called the Committee on Education, to whom shall be referred all matters relating to common schools and public education.

On motion of Mr. Murray,

Whereas, certain reports are now in circulation, derogatory in their nature to the character of the members of the Ayuntamiento, and charges have been made against said body of improper expenditure and appropriation of the public funds,

Resolved, That a Committee of three shall be appointed by the members of this body now present, whose duty it shall be to investigate said charges; to inspect all books, papers and accounts which the Ayuntamiento are or have in any way been connected with; to receive the reports of all officers whose duty it is to report to this body; and to ascertain the amount of appropriations that have been made by said body, together with the purpose of said appropriation, from the first of August to the present time; and to ascertain the amount of funds, if any, now in the city Treasury; that said Committe shall sit as a Court of Inquiry, and have the power to examine witnesses, to be subpœnaed and sworn by the Alcalde; allowed one or more clerks to assist them in their investigation, which said clerk or clerks shall be paid from the City Treasury; that said report shall be submitted to this body and published in the papers of San Francisco.

Adopted, and Messrs. Murray, Graham and Turk, Second Alcalde, were appointed as said Committee.

A petition for a fire engine, to be furnished for the use of the Mazeppa Fire Company, was read and referred to a Special Committee, consisting of Messrs. Graham, Davis and Murray.

The report of Col. Steuart, Chairman of the Committee to assign the rooms in the Public Building to their respective offices, was read and laid upon the table.

The bills of six Judges and Clerks of the election, held on the 8th inst., were read and ordered to be paid, at one hundred dollars each, $600. The Police bill for the month of December, 1849, was ordered to be paid, amounting to $5,769. All other bills were referred to the Committee on Expenditures.

On motion, adjourned to January 14th, 6 P. M.

H. L. DODGE, *Secretary.*

FORTY-FIFTH MEETING.

Council meeting January 14th, 1850. At a meeting of the Council, January 14th, 1850.

Present—Messrs. Green, Tilford, Gray, Hagan, Crooks and Van Nostrand. Hon. John W. Geary presiding.

There being no quorum, adjourned to 16th.

FORTY-SIXTH MEETING.

At a meeting of the Town Council, January 16th, 1850.

Present — Messrs. Crooks, Davis, Ellis, Graham, Gray, Green, Hagan, Murray, Steuart, Tilford, Turk and Van Nostrand. Hon. John W. Geary presiding.

The minutes of the previous meeting were read and approved.

Communications from H. P. Woods, Brooks & McCracken, A. Melhado, J. Sime, Wm. Lovering and A. A. Selover, read and laid on the table.

Communication from James Becket referred to Committee on Fire Department.

Petitions of Richards, Logan & Co., Heurlin & Belcher and others, James T. White and others, Salmon & Ellis and others, E. D. Keyes and Wm. B. Brown, referred to a Committee on Streets and Public Improvements.

Petition of Wells and others laid on the table.

Memorial from the Chief of Police referred to Committee on Health and Police.

A petition from many citizens in the vicinity of Sacramento street, for a wharf at the foot of Sacramento street instead of California street, in accordance with a resolution adopted January 7th, was read, and so much thereof as refers to the rescinding said resolutions was referred to Committee on Judiciary; and so much as refers to building a Wharf at the foot of Sacramento street referred to Committee on Streets and Public Improvements.

Col. Steuart gave notice that at the next meeting he should call up the resolution, offered by him at a previous meeting, to appropriate fifty thousand dollars for the improvements of the streets.

The report and bills of the Street Commissioner referred to Committee on Streets.

The verbal report of Mr. Green, Chairman of the Committee for fencing in Portsmouth Square, was made, and the proposals received by him for performing said work referred to Committee on Streets and Public Improvements, to be reported upon at the next meeting of the Council.

Report of Mr. Ellis, Chairman of Special Committee to examine the report of Comptroller, Treasurer and Collector, was accepted.

Report of H. Toler, Chairman of Committee to examine the public records laid on the table.

On motion of Mr. Hagan,

Resolved, That in addition to the regular Standing Committees, a Committee of three members of the Council be appointed by the Chairman, styled the Committee on the Fire Department.

In accordance with a resolution adopted at the last meeting of the Council, the President announced the following Standing Committees, viz:

Judiciary—Col. Wm. M. Steuart, H. C. Murray, F. Tilford, T. H. Green and J. S. Graham.

Finance—S. Brannan, T. H. Green and James Hagan.

Streets and Public Improvements—Wm. M. Steuart, J. S. Graham, M. Crooks, F. Tilford and A. M. Van Nostrand.

Police and Health—A. J. Ellis, J. Hagan and F. C. Gray.

Expenditures—A. M. Van Nostrand, F. C. Gray and Wm. H. Davis.

Fire Department—J. Hagan, M. Crooks and A. J. Ellis.

Education—H. C. Murray, Wm. M. Steuart and F. Tilford.

On motion of Mr. Gray,

Whereas, the citizens in the vicinity of Battery street have raised two thousand dollars by subscription for the opening of Battery street; and whereas, the Ayuntamiento have appropriated the sum of three thousand dollars for the further prosecution of said work; now, therefore,

Resolved, That the Committee on Streets be authorised to contract for and prosecute said work without delay.

On motion of Col. Steuart,

Resolved, The Committee on Judiciary be instructed to report, at the next meeting of the Council, an Ordinance the more effectually to prevent the firing of guns and pistols within the limits of the town of San Francisco.

The resolution of Mr. Murray, authorizing the owners of water lots in this town to erect, at their own expense, public walks in front of their lots to enable them thereby to reach any public street or wharf, was referred to a Special Committee, consisting of Messrs. Turk, Murray and Crooks.

On motion of Mr. Green,

Resolved, That the Committee on Judiciary be and are hereby instructed to submit a City Charter to this Council on the 28th inst., and if approved, that the same be presented to the citizens of this city on the first Monday in February next, for their adoption or rejection, previous to sending the same to the Legislature for a grant of said charter.

On motion of Col. Steuart,

Resolved, That the Special Committees heretofore appointed be instructed to report upon the several subjects referred to them at as early a day as possible.

Resolutions, directing the Surveyor to cut out the lines of First, Second, Third, Fourth and Fifth streets to the bay; also, the lines of Howard, Folsom, Harrison, Bryant, Brannan, Sansome, Montgomery, Kearney, Dupont and Stockton streets; also, appropriating one thousand dollars to remove the brush from said streets; referred to the Committee on Streets.

On motion of Col. Steuart,

Resolved, That the Committee on Streets, Public Buildings and Improvements be instructed to have the several rooms in the building recently purchased for the town, which were assigned for the use of the Court and the offices of the town authorities, properly repaired and fitted up at the earliest possible time.

On motion of Col. Steuart,

Resolved, That the Secretary be authorized to ascertain and report to the next meeting upon what terms the proprietors of the Alta California and the Pacific News will publish the minutes of the Ayuntamiento in regular and continuous order once a week.

Adopted.

On motion of Mr. Green,

Resolved, That all persons calling upon the City Surveyor for an official survey be required to produce their deeds of the property for which the survey is called, or an abstract from the records of the same.

Adopted.

The resolution offered by Mr. Tilford, appropriating one hundred thousand dollars for the construction of a wharf along the line of Market street to the intersection of Market and California streets, was referred to the Committee on Streets.

On motion of Mr. Murray,

Resolved, That the Committee on Judiciary be required to enquire and report who are proper officers to take acknowledgments of deeds, and by whom the Public Records of the town of San Francisco should be kept.

The bill for sundry expenses in Judge Almond's Court was ordered to be paid at $362 86. All other bills were referred to the Committee on Expenditures.

On motion, adjourned to the 18th inst.

H. L. DODGE, *Secretary*.

FORTY-SEVENTH MEETING.

At a special meeting of the Town Council, held January 18th, 1850.

Present—Messrs. Crooks, Davis, Ellis, Graham, Gray, Green, Hagan, Murray, Steuart, Turk, Tilford and Van Nostrand. Hon. John W. Geary in the Chair.

The minutes of the previous meeting were read and approved.

Communications from E. Gilbert & Co., Faulkner & Allen, and R. McMillan, laid on the table.

Communication from Mrs. Robinson referred to Committee on Streets and Public Improvements.

Petition for appropriation to open Pacific street, Jackson street, and to improve Broadway, and to open divers streets to Happy Valley, and petition of Phillips Hinkle, referred to Committee on Streets and Public Improvements.

Resolution of Col. Steuart, for the encouragement of the general improvement of streets, referred to Committee on Streets and Public Improvements.

Resolution of Mr. Crooks, for an appropriation for the opening and grading of Sansome street, referred to Committee on Streets and Public Improvements.

Communication of Mr. Green, offering a lot for sale for Public Buildings, referred to Committee on Streets and Public Improvements.

Report of A. M. Van Nostrand, Chairman of Committee on Expenditures, was read and accepted, and the following bills ordered to be paid:

Macondray & Co., for lumber,........................	$1,032 75
Alex. Campbell, District Attorney,......	50 00
George Hyde, Judge of Election,.......................	100 00
Edwin Bell, Judge of Election,........................	100 00
Wm. M. Eddy, Judge of Election,.......................	100 00
Jas. B. McMinn, Judge of Election,....................	100 00
N. W. Coles, Judge of Election,.......................	100 00
Wilson & Co., stationery,......................	110 00
	$1,692 75

Report of Committee, to whom it was referred to report upon the facilities to be extended towards owners and occupants of water lots in San Francisco, referred back to said Committee for further consideration.

Col. Steuart, Chairman of Committee to report an Ordinance to prevent the firing of guns and pistols within the limits of the city, reported progress.

Col. Steuart, Chairman of Committee on Streets, made the following report, which was accepted, viz:

The Committee on Streets, to whom was referred a communication of Capt. E. D. Keyes, bearing date 12th January, 1850, in reference to the manner of constructing the abutment of the wharf authorized to be erected at California street, together with an estimate of the cost of materials, have examined the subject, and recommend the plan proposed by the Engineer be approved, and that he be authorized to make contracts for the materials required in the manner suggested in his communication.

All of which is respectfully submitted.

W. M. STEUART, *Chairman.*

January 18th, 1850.

The following report of Col. Steuart, Chairman of Committee on Streets, was accepted, and the accompanying resolutions adopted, viz:

The Committee on Streets, to whom was referred the petition of a number of citizens, owners and occupants of property on Washington street, praying for a construction of a plank road on said street, between Kearney and Montgomery streets, and proposing that said road be made at the joint expense of the town and of the owners and occupants of aforesaid, have had the same under consideration, and in accordance with the prayer of petitioners, would recommend the adoption of the following resolutions, viz:

Resolved, That the Committee on Streets be authorized to advertise for proposals to construct a plank road on Washington street, from the line of Kearney street to the line of Montgomery street, said road to be constructed with plank three inches thick, laid on stringers not less than ten inches square, with plank side-gutters or water courses.

Resolved, That upon ascertaining the cost of constructing the said road in the manner specified, the Committee on Streets be and they are hereby authorized to contract for the building of the same, the work to be carried on under their direction, and to be paid for from time to time as the same progresses, by orders on the Treasurer of the town, payable out of any money in the Treasury not otherwise appropriated; provided, that before entering into any contract for the construction of said road, one-half of the estimated expense thereof be first raised and paid into the Treasury of the town by the owners and occupants of the property on said streets, or their subscription for the same be accepted and received by the person or persons contracting in full liquidation and discharge of said moiety of the cost or expense of making said road in the manner specified.

All of which is respectfully submitted.

WM. M. STEUART, *Chairman.*

Report of Mr. Tilford, from the Committee on Streets, in relation to Market street wharf, was accepted, and on motion, the following resolution was unanimously adopted:

Resolved, That the sum of one hundred thousand dollars be and the same is hereby appropriated from the moneys received from the sale of water lots on the 3d inst., for the construction of a wharf along the line of Market street from the intersection of Market and First streets to the intersection of Market and California streets, and to connect with the California street wharf at that point; the said wharf to be the width of Market street.

The resolution offered by Col. Steuart on the 21st December, appropriating $50,000 for the special improvement of streets within the limits of the town of San Francisco, was called up, and on motion of Col. Steuart, was amended by inserting $100,000 in the place of $50,000, and unanimously adopted.

Resolution of Mr. Green, directing the City Surveyor to make out a schedule of all town lots not sold or granted by legal authority, was laid over until next meeting.

On motion of Mr. Ellis,

Resolved, That the sale of town lots ordered to take place on the 20th inst. be postponed until the 5th day of February next; and that all lots bought at public auction on the 19th of November last, and not paid for on or before the 19th inst., be again offered for sale on that day.

On motion of Col. Steuart, the rules were suspended to consider the petition of residents in the vicinity of Jackson street: read and referred to Committee on Streets and Public Improvements.

Communication of T. H. Green referred to Committee on Public Improvements.

Petition for appropriation to complete the opening of streets to Happy Valley, referred to Committee on Streets and Public Improvements.

On motion of Mr. Turk, the petition was taken up for reconsideration.

On motion of Mr. Murray, to refer petition to Committee on Streets.

The President gave notice that a suit had been instituted by E. E. Dunbar vs. The City, for damages sustained by blowing up plaintiff's building by order of the city authorities.

On motion of Mr. Hagan, the Committee on Judiciary were instructed to confer with the City Attorney, and if necessary, to employ additional counsel to defend said suit.

On motion of Mr. Tilford, the bill of J. E. Townes, Esq., Sheriff, was taken up in Committee of the Whole and referred back to report at next meeting.

Col. Steuart gave notice that he should, at an early day, offer a resolution requiring three-fourths of the House to set aside the rules for special business.

Col. Green gave notice that at the next meeting he should call up the plans for a Public Hall and Jail.

On motion of Mr. Van Nostrand,

Resolved, That an auctioneer be employed at a stipulated rate per day to sell the town lots or other city property, and that a Committee be appointed to confer with suitable persons to sell the same, and to report to this Board; said Committee to be appointed by the Chair.

Adopted, and Messrs. Van Nostrand, Turk and Graham, Committee.

On motion, adjourned to January 21st.

H. L. DODGE, *Secretary*.

FORTY-EIGHTH MEETING.

At a meeting of the Town Council, held January 21st, 1850.

Present—Messrs. Crooks, Ellis, Graham, Gray, Hagan, Tilford, Murray and Van Nostrand. Hon. John W. Geary in the Chair.

The minutes of the previous meeting were read and approved.

Communications from H. G. Gordon and Morris Brock read and laid on the table.

Petition of merchants and others, for the suppression of peddling without a license, referred to Committee on Judiciary.

Communication from J. McBeath, referred to Committee on Fire Department.

Communication from Robert Wells & Co., relating to a City Hospital, referred to Committee on Health and Police.

Communication from E. D. Keyes referred to Committee on Streets, to be reported upon at the next meeting.

Communication from Messrs. Campbell & Hoogs read, and Secretary directed to furnish them with the names of the members of the Council.

Mr. Van Nostrand, Chairman of the Committee on Expenditures, reported in favor of paying the following bills:

Judge of the First Instance,………… …………	$ 496 00
Judge of the First Instance,………… …………	2,456 00
M. C. Keyes, pulling down chimneys,……………	15 00
Jacob Colvin, expenses for Prison Brig,……………	269 00
E. Ely,…… ……………… …………	298 00
Newell & Co., hearse expenses,……………………	291 00
John D. Forest,………………………………	190 00
DeWitt & Harrison, candles,. ……………………	97 00
Samuel J. Sproston, buckets at fire,…… …………	132 00
Alex. Campbell, District Attorney,……………………	510 00
Jas. A. Bank, examining records,…………… ……	410 00
Dall & Austen, powder at fire,…………… …… ……	50 00
S. Flynn, examining records,…………………………	180 00
John E. Townes, Coroner, …………………………	128 00
Hall McAllister, District Attorney,……………… …	450 00
George Sharp, Jr., Clerk of Election,………………	100 00
John Barkeloo, Clerk of Election,…………………	100 00
P. R. Stuk, Clerk of Election,……………………	100 00
F. Billings, Judge of Election,…… ………………	100 00
W. M. Spofford, Judge of Election,………………	100 00
R. B. Butler, Judge of Election,…………………	100 00
H. Toler, examining records,……………………	816 00
Elisha Ely, medical services,……………………	250 00
Elisha Ely, medical services, ………… …………	32 00
Criminal Court, ………………………………	850 00
Criminal Court,……………………………………	5,879 00
	$14,399 00

Sutton, Bennett & Co.'s bill for powder is sixty cents per pound above the other bills for the same article, and therefore returned.

The bills of Starkey, Janion & Co. and others, relative to pay for services and use of engine at the fire, are returned, believing such charges unusual; the Committee recommend that they be referred to the Fire Committee, or taken up this evening by the Committee of the Whole.

The Committee have seen Mr. Townes in reference to his bill, and returned it for the same action recommended by them at the last meeting of the Council.

The remaining accounts are not approved, and consequently returned unexamined.

A. M. VAN NOSTRAND, *Chairman.*

On motion of Mr. Murray, the House took up the following bills in Committee of the Whole, which were read and ordered paid:

Starkey, Janion & Co., repairing engine,..............	$ 143 00
J. E. Townes, removing obstructions from streets,......	1,250 00

Mr. Hagan, Chairman of Committee on Fire Department reported progress.

The report of the Committee on Streets and Public Improvements, recommending an appropriation of twenty-five thousand dollars for the opening of Pacific street to the wharf about to be built on the line of said street, was read and adopted.

The report of the Committee on Streets and Public Improvements, approving of the plan already reported for the interior arrangement of the Town Building; also recommending the immediate prosecution of the work necessary for its completion; and recommending that Mrs. M. A. Robinson be employed to keep said house in order, make fires, etc., and that she receive for her services four hundred dollars per month, always having a servant or messenger in attendance, at her own expense, was read and accepted.

On motion of Mr. Crooks,

Resolved, That the sum of six thousand dollars be and the same is hereby appropriated for the completion of Sansome street to Market street, Market street to First street, First street to Folsom street, and Mission street to Fifth street.

On motion of Mr. Tilford,

Resolved, That the Committee on Judiciary be and are hereby authorized to procure such legal advice and assistance as they may deem advisable, to aid them in drafting a City Charter in pursuance of a former resolution.

On motion of Mr. Green,

Resolved, That the Committee on Streets and Public Improvements be authorized to advertise in the "Alta California" and "Pacific News," for twenty days, for plans for a Hospital, and that $300 be paid for the plan adopted by the Council.

On motion of Mr. Graham,

Resolved, That the Committee on Judiciary be instructed to report at the next meeting an Ordinance the more effectually to remove obstructions and nuisances from the streets.

On motion, adjourned to 28th inst.

H. L. DODGE, *Secretary*.

FORTY-NINTH MEETING.

At a meeting of the Town Council, held January 28th, 1850.

Present—Messrs. Brannan, Crooks, Davis, Graham, Gray, Green, Ellis, Hagan, Murray, Turk and Van Nostrand. Hon. John W. Geary in the Chair.

The proceedings of the previous meeting were read and approved.

Communication from A. Melhado laid on the table.

Communication from T. M. Leavenworth to be taken up when his account is presented.

Communication from Edward Otis received and filed.

Communication from Wm. M. Eddy, City Surveyor, was received, accompanying an official map of the city; the map was accepted and the thanks of the Council tendered him for the neatness and dispatch with which it was executed; and the Surveyor requested to have the map suitably framed.

Petition of John P. Baker of the San Francisco Fire Company, referred to Committee on Fire Department.

Petition of Mellus, Howard & Co. and others, for appointment of Dr. Hastings as City Physician; also communication from Middleton, Berry & Co., referred to Committee on Health and Police.

Memorial of Mr. Williams, relating to erecting monuments to the graves of the deceased, referred to the Committee on Health and Police.

Petition for clearing the streets leading to town lots recently sold at auction; also petition for the removal of a house belonging to Wm. H. Davis, Esq.; also a communication from Wm. H. Davis, Esq., referred to Committee on Streets.

Communication from E. D. Keyes, also the plan for the California Street Wharf, referred to Committee on Streets.

Petition of Theodore Shillaber and accompanying communications, referred to Committee on Judiciary.

Notification from the Sub-Prefect that an election of Senator will be held on the 2nd February, proximo, referred to Special Committee, Messrs. Graham, Crooks and Hagan.

A lithographic view of San Francisco was presented to the Council by Wm. H. Jones, Esq., Artist, and a vote of thanks tendered him for the same, and the Surveyor requested to have the same framed.

Report of Committee on Judiciary read and accepted.

Report of Committee on Fire Department read and accepted.

Report of Committee on Health and Police read and accepted.

Report of Special Committee relating to facilities to be extended to owners of water lots, referred back for further consideration, at the request of the Committee.

Report of Committee on Expenditures was accepted in favor of paying the following bills:

E. Gilbert & Co., for printing,	$1,380 00
G. C. McMickle & Co., rent,	400 00
John Ritter, posting bills,	27 50
R. Petch, posting bills,	12 00
Hospital bill for December,	6,621 00
Treadwell & Co., shovels and spades,	26 50
C. C. Parker, wood for Prison Brig,	55 00
Simmons, Hutchinson & Co., buckets at fire,	274 00
Geo. R. Morris, rent of election room,	250 00
Ward, Mush & Co., muskets and hand-cuffs,	150 00
Morris & Reynolds, for tables,	48 55
Sutton, Bennett & Co., labor on streets,	83 00
	$9,327 55

The House took Mr. Hart's bill for prosecuting Joseph Daniels for the murder of Peter Petit, and allowed him $300.

Mr. Emmet's bill for defending prisoner in the same case was laid on the table.

Report of Special Committee to confer with suitable persons for a City Auctioneer, was read and accepted.

Motion of Mr. Murray to proceed to the election of Auctioneer, laid over until the next meeting.

On motion of Mr. Green,

Resolved, That the Auctioneer to be elected by this Board shall receive for his services as follows:

Five per cent on all sales under $5,000.

Two and a half per cent. on all sales over $5,000 and under $10,000.

One per cent. on all sales over $10,000 and under 50,000.

One half per cent. on all sales over $50,000.

On motion of Mr. Hagan the rules were suspended to elect a Chief Engineer to superintend the Fire Department of this City. On ballot, F. D. Kohler was declared duly elected.

On motion of Mr. Graham,

Resolved, That the Police force of this City be increased to fifty men, and that the Chief of Police be instructed to establish an efficient night watch without delay.

On motion of Mr. Graham,

Resolved, That the Committee on Streets and Public Improvements be instructed to enquire as to the cost of constructing wharfs to extend out seventy-five feet from the front of Jackson, Washington, Clay and Sacramento Streets, and to report at the next meeting.

Adopted.

On motion of Mr. Ellis,

Resolved, That the payment for town lots to be sold on the fifth February next be as follows, viz:

One quarter within ten days from the date of sale.
One quarter within two months from the date of sale.
One quarter within three months from the date of sale.
One quarter within four months from the date of sale.
The purchaser to receive his deed upon making the last payment.

On motion of Mr. Graham,

Resolved, That one lot in every block in the sale on the fifth February be reserved for public purposes.

On motion, adjourned to January 30th, 7 P. M.

H. L. DODGE, *Secretary*.

FIFTIETH MEETING.

At a meeting of the Town Council held January 30th, 1850.

Present—Messrs. Brannan, Crooks, Davis, Graham, Gray, Green, Ellis, Hagan, Murray, Steuart, Tilford and Van Nostrand. Hon. Frank Turk presiding, in the absence of the First Alcalde.

The minutes of the previous meeting were read and approved.

Communication from T. M. Leavenworth, with his account, referred to Committee on Finance, together with the Alcalde.

Applications of Dr. McMillan and Dr. Walter & Co., also the petition of Dr. Smith, for the office of City Physician, referred to the Committee on Health and Police.

Several communications were read, when on motion of Col. Steuart, the House went into Secret Session in reference to a suit instituted against G. Q. Colton, Justice of the Peace, for granting town property.

The City Attorney read a bill in Chancery prepared to file in the Court of First Instance against said Colton, praying that said Colton be arrested and held to answer the charges therein set forth; when on motion of Col. Steuart, all the members of the Council proceeded to sign said bill.

The House then proceeded to the transaction of ordinary business.

Col. Steuart, Chairman of the Committee on Judiciary, reported progress.

Mr. Murray, of the Committee on Judiciary, submitted a charter for the City of San Francisco, which was read and adopted by sections in committee of the whole; which was amended and adopted as follows.

On motion of Mr. Green, the charter was referred back to the Committee to be engrossed, and the Committee were instructed to have five hundred copies of it printed and distributed to the citizens of San Francisco, that they might vote for its adoption or rejection on the second February.

On motion of Col. Steuart, that the Treasurer pay to Arch'd C. Peachy, Esq., or order, the sum of two thousand dollars, appropriated by the Ayuntamiento to defray the expenses of obtaining documents deposited in the Archives at Monterey, relating to the limits of San Francisco, and other interests of the town.

Adopted.

On motion of Col. Steuart,

Resolved, That the Secretary be directed to have two hundred copies of the proceedings of the Ayuntamiento, from the date of the last publication, up to and including the minutes of this meeting, published in pamphlet form at as early a day as possible.

Adopted.

On motion of Col. Steuart,

Resolved, That the Committee on Streets be authorized to advertise for, and make contracts for, cutting out and removing the trees and brush from all streets adjacent to which lots have been sold, or authorised to be sold.

On motion of Col. Graham,

Resolved, That the Committee on Streets be authorised to draw upon the Treasurer for the amounts appropriated for the special improvement of certain streets.

On motion of Mr. Ellis,

Resolved, That the City Surveyor be instructed not to survey any lots in this town granted by G. Q. Colton.

On motion of Mr. Murray,

Resolved, That the further sale of town lots be postponed until March 1st, 1850.

On motion, adjourned to February 4th.

H. L. DODGE, *Secretary*.

FIFTY-FIRST MEETING.

At a meeting of the Ayuntamiento, held on the 4th of February, 1850.

Present—Messrs. Crooks, Hagan, Graham, Gray, Ellis and Van Nostrand. Horace Hawes, Esq., Prefect, in the Chair.

There being no quorum, the House adjourned until the 5th inst.

H. L. DODGE, *Secretary*.

FIFTY-SECOND MEETING.

A meeting of the Town Council was held February 5th, 1850.

Present—Messrs. Brannan, Crooks, Graham, Gray, Ellis, Hagan, Murray, Steuart, Tilford and Van Nostrand. Wm. M. Steuart, Esq., presiding, in the absence of the First and Second Alcaldes.

The minutes of the previous meeting were read and approved.

A communication from Starkey, Janion & Co. was read and laid upon the table.

Petitions of Dr. Stout and Drs. Harris and Nelson, to receive the city patients, were read and referred to the Committee on Health and Police.

Petition of citizens on California street referred to the Committee on Health and Police.

A petition from citizens on Sansome street was read and referred to the Committee on Streets.

Petitions from M. Norton, Esq., and H. C. Murray, Esq., were read and referred to the Committee on Judiciary.

A bond was offered by Dr. S. R. Gerry, Health Officer, and laid upon the table.

The report of Mr. Ellis, Chairman of the Committee on Health and Police, was read and accepted.

Col. Steuart, Chairman of the Committee on Judiciary, made the following report, which was adopted, viz:

The Committee on the Judiciary, to whom was referred the petitions of a large number of citizens, claiming damages and remuneration for property alleged to have been destroyed by the blowing up of houses, or other steps taken by the town authorities, to arrest the progress of the disastrous fire, which occurred on the morning of the twenty-fourth of December last, have fully examined the same, and beg leave to report that, in their opinion, no satisfactory adjustment of the claims of the memorialists can be made, except by due process of law; and they therefore ask to be discharged from further consideration of the subject.

All of which is respectfully submitted.

WM. M. STEUART,
F. TILFORD,
HUGH C. MURRAY,
JAS. S. GRAHAM.

Col. Steuart, Chairman of the Committee on Streets, to whom was referred the petition for the removal of the house of Wm. H. Davis, Esq., made the following report, which was adopted, viz:

The Committee on Streets, Public Buildings and Improvements, to whom was referred the petition of a number of citizens, praying the removal of a house, owned and occupied by Wm. H. Davis, Esq., as obstructing the thoroughfare on Jackson street, together with a communication from Wm. H. Davis, Esq., in relation thereto, have made examination of the premises and find the facts to be as represented, viz:

The house, it appears, was built some nine or ten years since, within the limits of the lot as designated, marked and bounded on the *then* map of Yerba Buena, and the plan of the town having been altered, not only in the direction, but the position of the streets, the lots have undergone a similar change, and the house in question, at the present time, not only greatly obstructs the passage on Jackson street, but occupies, by its enclosures, a considerable portion of Stockton street.

Public convenience requires the immediate removal of the house, but even public convenience is not to be gratified at the expense of individual rights; nor can private property be taken for public use, without just compensation being made.

Mr. Davis neither asks any thing more nor expects any thing else; the Committee, therefore, in view of all the circumstances, recommend the following:

Resolved, That the Town Surveyor be directed to mark and bound the fifty vara lot No. 98, according to the present plan of the town; and that the Street Commissioner be directed, forthwith to remove the fence now obstructing Jackson and Stockton streets.

Resolved, That three Commissioners be appointed to examine the premises, owned by Mr. Davis, and estimate the damages which he will sustain by the removal of his house.

Resolved, That three months from this date be allowed Mr. Davis to erect another dwelling, at the expiration of which time he shall immediately remove the present building.

All which is respectfully submitted.

WM. M. STEUART, *Chairman.*

On motion, the Chair was authorized to appoint said Committee, when Messrs. Van Nostrand, Crooks and Hagan were appointed.

The report of Mr. Hagan, from the Committee on Health and Police, was adopted, together with the following ordinance, viz:

Town Council of San Francisco, in Council assembled,

Be it ordained, That hereafter it shall be the duty of the Chief Engineer of the Fire Department to superintend the organization of all Fire Companies in San Francisco; also to examine all engines, hose and apparatus belonging thereto, which the city may wish to purchase; to superintend the erection of engine houses and cisterns; to exercise a general supervision and control over all branches of the Fire Department of this city; to act in conjunction with the Fire Committee, on all subjects which may be referred to them; and to protect the engines and apparatus of the city which shall be placed in the houses of private companies.

It shall be his duty to superintend and direct the operations of all companies at fires or conflagrations; and he shall have authority, with the consent of the Mayor and two members of the Common Council, to blow up any building or buildings with gunpowder, which he may deem necessary for the suppression of such fire or conflagration, and furthermore be vested with authority to perform all such needful acts as the emergency of the occasion may require; and to report the situation of his department at least once in three months, or oftener if required.

The salary of the City Engineer shall be six thousand dollars per year, to be paid monthly from the City Treasury.

Before entering upon the duties of his office he shall file a good and sufficient bond in the office of the Alcalde, to be approved by the Alcalde, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties.

The report of the Committee on Expenditures was adopted, recommending the payment of the following bills, viz:

Newell & Co., for horse hire,........................	$ 50 00
Pay Roll of Police,........................	7,176 00
John De Forest & Co., provender,........................	380 62
Morgan Bates, burying the dead,........................	50 00
Edward Seaver, hauling lumber,........................	220 00
Newell & Co., hearse expenses,........................	248 00
Robert Beck, stationery,........................	20 00
A. Bowman, Clerk at Election,........................	50 00
G. W. Ryckman, iron safe,........................	811 00
Dr. Stout, Hospital expenses,........................	500 00
King & Co., tools used on the streets,........................	19 33
Wm. Taaffe, furniture for Station House,........................	22 50
Starr & True, refreshments for firemen,........................	64 00
Pacific News, printing,........................	250 00
Faulkner & Leland, printing,........................	100 00
John Ball, powder used December 24th at fire,........	27 00
Edmund Laffan, rent,........................	150 00
Surveyor's bill,........................	1,507 26
J. C. Martin & Co., for lumber,........................	1,619 77
	$13,265 48

The report of Mr. Hagan, from the Committee on Health and Police, was read, when on motion of Col. Graham, it was

Resolved, That the report of Mr. Hagan be adopted, and that Dr. Smith be employed to attend the public patients, in his private hospital, at the rate of ($4) four dollars per day, under the supervision of the Committee on Health and Police, until such time as the Council shall see fit to make other arrangements.

On motion of Mr. Murray, it was

Resolved, That the owners of water lot No. 171, on the corner of Battery and Sacramento streets have permission to erect a sidewalk or platform extending along the west side of Battery street from said lot to the Central Wharf; provided always said walk shall be erected and kept in repair at the expense of the owners of said lot, and shall be free and open for the use of the public; and shall be of sufficient height to allow boats and merchandise to pass thereunder, and shall not exceed eight feet in width. Provided also, that it does not interfere with any vested rights.

On motion of Mr. Murray, it was

Resolved, That the Committee on Health and Police be required to examine into the accounts of Dr. Palmer, former City Physician, and report upon the same forthwith.

On motion of Mr. Murray, it was

Resolved, That a Committee of five be appointed by the Chair, to confer with a Committee of five persons, to be appointed at a public meeting of the citizens of San Francisco, for the purpose of framing a City Charter.

Messrs. Tilford, Gray, Hagan, Crooks and Brannan were appointed.

On motion of Mr. Hagan, it was

Resolved, That William Newell, a police officer, be authorized to procure coffins and bury all city paupers at an expense not exceeding thirty-five dollars for each burial.

On motion of Col. Graham, it was

Resolved, That the Committee on Health and Police be directed to instruct the Chief of Police to detach a portion of his men, whose duty it shall be to search for and rid the streets of all nuisances; and that it shall also be their duty to report such persons as are guilty of placing such nuisances in the streets.

On motion of Mr. Brannan, it was

Resolved, That a Committee of three be appointed, to be assisted by the City Attorney, to draft a petition to the Governor for the removal of G. Q. Colton from the office of Justice of the Peace and Coroner at the earliest period.

On motion of Mr. Tilford, it was

Resolved, That Messrs. J. P. Baker and Samuel J. Crocker be, and are hereby, allowed the privilege of sinking a cistern in Pine street, near Sansome street, with the privilege of running a pipe under ground from said cistern to the foot of Pine street, and at the termination of said pipe to construct a pump; said works to be done under the direction of the Street Commissioner, so that they shall not obstruct the passage of any vehicle along said street, and that in the event of a fire, the hose attached to the cistern and pump, for supplying water, shall be at the service of the town.

The resolution of Mr. Crooks, to appropriate $5,000 for the opening and grading of Kearney and Third streets, was read; and on motion of Col. Graham, was amended by adding $5,000 for the opening of Broadway and Sansome streets to Montgomery street.

Mr. Murray moved to amend the resolution, by adding one million dollars, ($1,000,000) for the construction of a bulkhead from Battery street to Rincon Point, which was supported by Mr. Murray, and lost. The original resolution, as amended, was also lost.

The resolution of Mr. Brannan, to suspend all further improvements on the streets, was lost.

On motion, the House adjourned to February 7th.

H. L. DODGE, *Secretary.*

FIFTY-THIRD MEETING.

Council meeting, February 7th, 1850. Hon. John W. Geary, presiding.

Present—Messrs. Crooks, Gray, Hagan, Murray, Steuart and Tilford.

There being no quorum, the House adjourned to the 8th inst.

H. L. DODGE, *Secretary.*

FIFTY-FOURTH MEETING.

At a meeting of the Ayuntamiento, February 8th, 1850.

Present—Messrs. Crooks, Graham, Gray, Hagan, Murray, Tilford and Steuart. Hon. John W. Geary, presiding.

The minutes of the previous meeting were read and approved.

On motion of Col. Steuart, the House went into secret session, when A. C. Peachy, Esq., City Attorney, was invited to address the meeting, relative to matters referred to him by the Council. Having reported upon matters of interest to the town, relating to its boundary, and the competent authority to convey public property, the thanks of the Council were unanimously tendered him, for the promptness with which he had acted.

A communication from H. Bowie, Esq., asking an advancement of $5,000, to enable him to furnish a quantity of lumber for wharves, was read and laid upon the table.

The petitions of Dr. Melhado & Co. and of D. Pope, were read and laid upon the table.

The petition of Henry Gerke, relating to the grant of a lot of land, was read and referred to the Committee on Judiciary.

Col. Steuart gave notice, that at the next meeting he should move the reconsideration of the resolution authorizing the sinking of a cistern in Pine street.

The following bills were read, and ordered to be paid.

R. J. Murray, for repairing court room,……………	$1,039 00
J. Tracy, Clerk to Judiciary Committee,……………	200 00
	$1,239 00

The Committees on Judiciary, Finance, Streets, and Health and Police, reported progress.

The report of the Committee on the Fire Department was accepted, and on motion of Mr. Murray, it was

Resolved, That the engines mentioned in said report be purchased by the Chief Engineer, under the direction of the Fire Committee; and that the Chief Engineer, together with said Committee, be requested to report three suitable sites for engine houses, together with a location for a hook and ladder company.

The report of the Committee on Expenditures was accepted; and the bill of R. A. Berry, of $3,740 95, for lumber furnished the Street Commissioner, was taken up in Committee of the Whole, and Mr. Green requested to pay $750, on account of the same, for lumber received by him, and the balance was ordered to be paid from the Treasury, amounting to $2,990 95.

The bill of W. R. Lount was laid on the table.

On motion of Col. Steuart, Wednesday evening, February 13th, was appointed for the reconsideration of the City Charter.

A resolution, appropriating $5,000 for the improvement of Kearney and Third streets, was offered by Col. Steuart, and laid upon the table.

A resolution from Mr. Gray, relative to designating Police Stations in different parts of the city, was referred to the Committee on Health and Police.

On motion of Mr. Hagan, it was

Resolved, That Capt. Keyes, Engineer, be authorized to draw from the City Treasury $1,000, from the special appropriation for California Street Wharf, to pay laborers for work done upon the bulkhead at the foot of California street.

On motion, adjourned.

H. L. DODGE, *Secretary.*

FIFTY-FIFTH MEETING.

Council meeting, February 11th, 1850.

Present—Messrs. Crooks, Ellis, Graham, Gray, Green, Hagan, Murray and Van Nostrand. Hon. John W. Geary, in the Chair.

The minutes of the previous meeting were read and approved.

Petition from W. Shannon, et als., read and laid on the table.

A report from the Committee on Finance, was read and accepted.

The report of the Committee on Expenditures was adopted, and the following bills ordered to be paid:

Wm. Goodman, wood for Station House,...............	$ 35 00
B. Fenton, for bread furnished prisoners in the Station House	265 75
Wm. L. Clark & Co., removing offal from streets, ...	50 00
Visher & Allen, coffins,............................	1,100 00
Geo. Smith & Co., digging graves,...................	440 00
E. Gilbert & Co., printing,.........................	1,323 00
Palmer, Cook & Co., lumber,.........................	1,288 80
Buckley & Morse, balls and chains for Prison Brig,......	528 80
Kohler & Co., police badges,........................	440 00
Martin J. Reese, overseer chain gang,................	168 00
S. D. Cunningham, digging one grave,................	16 00
Alcalde's Office, for sundry expenses................	627 00
A. Brown & Co., blacksmithing and tools,.............	145 63
Davis S. Hunt, making police clubs,..................	200 00
Robert Beck, wood for Prison Brig,..................	50 00
Robinson, Arnold & Sewall, lumber,..................	1,508 94
	$8,175 93

The Committee for furnishing balls and chains reported progress and were discharged.

A report from the Committee on Education was read and accepted.

On motion of Mr. Hagan, the application of H. Bowie, Esq., for an advance of $5,000, was called up for reconsideration and lost.

On motion of Mr. Green, it was

Resolved, That the Alcalde be, and is hereby authorized to request the Surveyor to furnish a schedule of the beach and water lots, regularly advertised, and sold or unsold, and not deeded on the third January; and of two hundred and fifty town lots not heretofore legally granted; and that the Alcalde be further authorized to have a sufficient number of hand bills printed and posted; and that ten copies of the same be sent to the Puebla de San Jose, Benicia, Sacramento City and Stockton without delay; and that the sale of the same take place on the first Monday of March; and that all former resolutions on the same subject be, and are hereby, repealed.

On motion of Mr. Murray, the House proceeded to the election of a City Auctioneer. Messrs. Berry, Selover and Lovering, were nominated.

On the third ballot, R. N. Berry, Esq., having received five votes, was declared duly elected.

Mr. Green gave notice, that at the next meeting he should call for a report from the Committee on Public Improvements.

A plan for the proposed city hall was presented to the Council, by Messrs. Wood & Butler.

On motion, the House adjourned to February 13th.

H. L. DODGE, *Secretary.*

FIFTY-SIXTH MEETING.

Special meeting of the Town Council, February 13th, 1850, for the reconsideration of the City Charter.

Present—Hon. John W. Geary in the Chair; Messrs. Crooks, Graham, Gray, Green, Hagan, Murray and Van Nostrand.

There being a quorum present, the minutes of the previous meeting were read and approved.

On motion of Mr. Murray, the House, in Committee of the Whole, proceeded to reconsider the Charter previously drafted, which was amended as follows:

AN ACT TO CHARTER THE CITY OF SAN FRANCISCO.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The limits of the city of San Francisco shall be the same which bounded the Pueblo lands and town of San Francisco, and its municipal jurisdiction shall extend to said limits and over the waters of the Bay of San Francisco, for the space of one marine league from the shore, including the islands of Yerba Buena, Los Angeles and Albatros.

SEC. 2. The Legislative powers of the corporation shall be vested in a Board of Councilmen, to be denominated the Council of San Francisco.

SEC. 3. The Judiciary authority of the corporation shall be vested in a Recorder, to be chosen annually by the people, who shall have jurisdiction in all cases of the breach of the City Ordinances, and shall be vested with the powers, in civil and criminal matters, of a Justice of the Peace.

SEC. 4. The rules of practice in the Recorder's Court shall in all cases conform to those established for the District Courts of the State: and any person feeling aggrieved by any decision in said Court shall have the right to appeal to the County Court of the District of San Francisco.

SEC. 5. The Executive of the corporation shall be vested in a Mayor, who shall be chosen annually.

SEC. 6. The city of San Francisco shall be divided into eight wards, and each ward shall elect two members of the Council annually.

SEC. 7. Every person entitled to the right of suffrage under the Constitution of the State, who shall have been a resident of San Francisco three months preceding any election for city officers, shall be entitled to vote in the ward in which he resides.

SEC. 8. It shall be the duty of the Council of San Francisco in office at the passage of this Charter, to cause the city to be divided into eight wards, equalizing said wards as nearly as practicable in population, and the Council elected under the charter shall have power to increase or alter the number of wards, or Councilmen, by a vote of two-thirds of the members elected, provided said alteration shall be made three months previous to the annual election of city officers.

Sec. 9. Each ward shall elect one Assessor, whose duties and powers shall be prescribed by Ordinance, as well as the mode and manner of appeal from undue assessment.

Sec. 10. The Councilmen and Assessors shall be chosen for one year; and no person shall be eligible to the office of Councilman or Assessor unless he shall, at the time of his election, be a resident of the ward in which he is chosen, and shall have been a resident of San Francisco three months.

Sec. 11. The Executive business of the corporation shall be performed by distinct departments, the heads of which shall be chosen annually at the election of city officers, and shall be denominated the Comptroller, Treasurer, Street Commissioner, Collector of City Taxes, City Marshal, Police, Fire and Surveyor's Departments, the subordinates or assistants of all which said officers shall be nominated by the chief of each department and confirmed by the Council, except the policemen of each ward, who shall be nominated by the Councilmen of each respective ward, and be confirmed by the Mayor; and such subordinates shall be paid such annual salary as the Council shall, from time to time, fix by Ordinance.

Sec. 12. The annual election for city officers shall be holden on the —— day of ———; and the officers elected shall be sworn into office on the —— day of ———; and the oath of office may be administered unto them by any judge, or other person entitled by the laws of the State to administer oaths; and all the provisions of law now in force with regard to the notification, duration and conduct of elections for members of the Assembly, and in regard to the appointments, powers and duties of Inspectors, holding the same, shall apply to the election of city officers.

Sec. 13. The first election for city officers, after the adoption of this Charter, shall be holden on the —— day of ———, A. D. 1850; and all persons who shall have been elected under the former laws regulating the elections of Alcalde and Town Councilmen, and shall be in office at the time of the adoption of this Charter, shall continue in office until the officers elected under it shall be sworn into office, and shall have power to organize the various departments herein provided for, subject to the future alteration of the Council.

SEC. 14. It shall be the duty of the Council to elect annually a Chairman, from its own body, and a majority of the Council so elected shall at all times constitute a quorum to do business. They shall have power to elect a Clerk, Register of Deeds, City Attorney and such other officers, not provided for by this Charter, as they may deem necessary; and shall define the duties, and affix the fees and salaries of all officers, elected or appointed, under this Charter; they shall have power to determine the rule of their own proceedings, and be the judges of the qualification of their own members. They shall keep a Journal of their proceedings, which shall be open at all times for the inspection of the public. The doors of the Council shall be kept open, except in cases when the public welfare shall require secrecy.

And all resolutions and ordinances calling for the appropriation of any sum of money exceeding five thousand dollars, ($5,000) shall lay over for the space of ten days, and be published for the space of one week, in one or more of the public papers of the city.

SEC. 15. The corporation of San Francisco shall have power to pass all needful ordinances with regard to health, order, cleanliness, improvements, government, police, the general welfare and the regulations of common schools of the city; to levy and collect a tax upon real and personal estate or property, provided said tax does not exceed two (2) per cent. upon the assessed value of said property; and also to tax and license all trades and business, professions, games of chance, public shows and theatrical exhibitions conducted within its limits, for the purpose of defraying the municipality and the improvement of its streets, highways and other public property. And the Council shall annually cause an estimate of the expenses of the current year to be made by each department, and the purpose for which appropriations are designed.

SEC. 16. The Council shall have power to direct a special election to fill the place of any Councilman, or officer elected or appointed under this Charter, whose seat shall become vacant by death, resignation, removal or otherwise, and in such case the person so elected to supply such vacancy, shall hold his seat only for the residue of the term of office of his immediate predecessor.

SEC. 17. The Council shall have power to compel the attendance of absent members; and to punish its members for disorderly conduct; and to expel members, with the concurrence of the members elected, and the member so expelled shall by such expulsion forfeit all his right and power as a Councilman.

Sec. 18. The regular and special meetings of the Council shall be regulated by its own ordinance.

Sec. 19. No member of the Council shall, during the period for which he is elected, be directly or indirectly interested in any contract the expenses of which are to be paid from the public Treasury.

Sec. 20. Every act, resolution or ordinance which shall have passed the Council, before it shall take effect, shall be presented, duly certified, to the Mayor of the city for his approbation; if he approve it, he shall sign the same, if not, he shall return it to the Council with his objections within ten days thereafter; or if the Council be not in session, at its next regular meeting. Upon the return of any ordinance, bill or resolution, the Council shall cause the objections to be entered on the Journal.

Sec. 21. The Council shall, within ten days after the return of any bill to them by the Mayor, proceed to reconsider the same; if after such reconsideration, a majority of the members of the Council elect shall approve the original bill, it shall take effect as a law or ordinance of the Council. In all such cases the vote shall be taken by ayes and nays, the names of the persons voting for or against the passage of the measure reconsidered shall be entered upon the Journal of the Council.

Sec. 22. If the Mayor shall not return any Act, or Ordinance, or Resolution, so presented to him in the time specified, it shall take effect in the same manner as though it had been signed by him.

Sec. 23. Whenever there shall be a vacancy in the office of Mayor, and whenever the Mayor shall be absent from the city, or shall be prevented by sickness or any other cause from attending to the duties of his office, the President of the Council shall act as Mayor, and possess all the rights and powers of the Mayor during such vacancy, absence or disability.

Sec. 24. It shall be the duty of the Mayor,

1st. To communicate to the Council quarterly, a general statement of the situation and condition of the city in relation to its government, finances and improvements.

2nd. To recommend to the adoption of the Council all such measures connected with the police, security, health, cleanliness and ornament of the city, and the improvement of its government and finances, as he shall deem expedient.

3d. To be vigilant and active in causing the laws and ordinances of the government of the city to be duly executed and enforced.

4th. To exercise a constant supervision and control over the conduct and acts of all subordinate officers, and to receive and to examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and generally to perform all such duties as may be prescribed to him by the Charter and City Ordinances, and the laws of this State and of the United States.

SEC. 25. Annual and special appropriations shall be made by proper Ordinances of the Council for every branch and object of city expenditures; nor shall any money be drawn from the City Treasury, except the same shall have been previously appropriated to the purpose for which it was drawn.

SEC. 26. The Council shall not have authority to borrow any sum of money whatsoever on the credit of the corporation, unless authorized by a special Act of the Legislature.

SEC. 27. It shall be the duty of the Council to publish, two months before the annual election of the city officers in each year, for the general information of the citizens of San Francisco, a full and detailed statement of the receipts and expenditures of the corporation during the year ending on the first day of the month in which such publication was made; and in every such statement the different sources of the city revenue, and the amount received from each, the several appropriations made by the Council, the object for which the same were made, and the amount of moneys expended under each, the moneys borrowed on the credit of the corporation, the authority under which each loan was made, and the terms on which it was obtained, shall be clearly and particularly specified.

SEC. 28. It shall be the duty of the Council to provide for the accountability of all officers and other persons to whom the receipt and expenditures of the funds of the city shall be entrusted, by requiring from them sufficient security for the performance of their duties, or trust, which security shall be annually renewed, but the security first taken shall remain in force until new security shall be given.

SEC. 29. The Legislature may at any time alter or amend this

Charter, provided such alteration be called for by a majority of two-thirds of the members elected to the Council; and the amendments proposed shall be approved by a majority of the legal voters of San Francisco.

The ayes and noes being called for on the adoption of the Charter so amended, were as follows:

Ayes—Messrs. Crooks, Green, Hagan and Steuart—4.

Nays—Messrs. Graham, Murray and Tilford—3.

So the Charter was adopted.

On motion of Col. Steuart, Messrs. Hagan and Green were requested to present the Charter, as adopted, to our Representatives in the Legislature for its adoption.

The Committee then arose and proceeded to the transaction of ordinary business.

The bill of Macondray & Co., for lumber, was read and ordered to be paid at $256 88.

The bill of George Marden, with accompanying communication, was referred to Committee on Health and Police.

A communication from H. Gunter, was referred to the Committee on Health and Police.

Sundry bills were referred to the Committee on Expenditures.

A resolution from Mr. Tilford, relative to the width of Market Street Wharf, was referred to the Committee on Streets.

A resolution from Mr. Tilford, relating to the election of City Auctioneer, was laid on the table until another meeting.

On motion of Col. Steuart, the Committee on Judiciary were requested to have five hundred copies of the Charter printed in pamphlet form.

On motion, adjourned.

H. L. DODGE, *Secretary.*

FIFTY-SEVENTH MEETING.

At a meeting of the Town Council, February 18th, 1850.

Present—Messrs. Crooks, Ellis, Murray, Tilford and Van Nostrand. Hon John W. Geary, presiding.

There being no quorum, the House adjourned to February 20th, 1850.

H. L. DODGE, *Secretary.*

FIFTY-EIGHTH MEETING.

At a meeting of the Town Council, February 20th, 1850.

Present—Messrs. Brannan, Crooks, Ellis, Graham, Gray, Murray, Tilford and Van Nostrand. Hon. John W. Geary, presiding.

The minutes of the last meeting were read and approved.

A certified copy of an order from the Governor, prohibiting the further sale of municipal lands in San Francisco until further order from the Executive, or until the Legislature shall pass some act in reference to said lands, was read and laid upon the table.*

A communication from the Prefect, announcing the appointment of George W. Punchard, Esq., as Secretary to the Prefecture of San Francisco, was read and laid upon the table. Also, a communication from H. Hawes, Esq., Prefect, calling for a statement of the municipal fund of the town on the first of March next, was read and laid upon the table for future action.†

---

* See Appendix, No. 4.
† See Appendix, No. 5.

A communication from R. Meacham, Auctioneer, was read and laid upon the table.

A communication from Greenwood, Ogden & Co., offering for sale a quantity of shells, for the pavement of streets, was referred to the Committee on Streets.

A communication from the Treasurer of the State, offering the bonds of the State for a temporary loan, was referred to the Committee on Finance.

A communication from E. Geoffrey, with an accompanying bill for the board of prisoners in August last, was referred to the Committee on Health and Police.

A petition from citizens on Montgomery street, near California and Sutter streets, for improvements in that vicinity, was referred to the Committee on Streets.

The petition of Jos. W. Osborn, Esq., for the removal of a nuisance from lot No. 363, was referred to the Committee on Streets.

……

The petition of Warren & McCarty, asking that a portion of license money be refunded them, was referred to the Committee on Judiciary.

The petition of Whitehead, Ward & Co., asking permission to collect wharfage for goods landed on their private wharf, was referred to the Committee on Judiciary.

……

The report of Dr. S. R. Gerry, M. D., Health and Police, was read and referred to the Committee on Health and Police; when on motion of Mr. Brannan, the rules were suspended, to introduce the following resolution, which was read and adopted, viz:

Resolved, That the reporters of the public press be allowed facilities and conveniencies for reporting the proceedings of the Council.

The House then proceeded with ordinary business; when the report of F. H. Southworth, Esq., Sealer of Weights and Measures, was read and referred to the Committee on Judiciary, to be reported upon at the next meeting.

The report of the Committee on Streets was adopted, recommending that the width of Market Street Wharf, from the bulkhead to the intersection of Market and California streets, be forty-nine feet; and that the resolution to construct said wharf the full width of Market street be repealed.

A report from the Committee on Education was read and accepted.

On motion of Mr. Murray, the following Ordinance was read and adopted, viz:

Be it ordained by the Council of San Francisco, That from and after the passage of this Ordinance every person, or persons, who shall be guilty of committing any nuisance within the city of San Francisco, or of throwing anything offensive in any public street or alley of the city, shall on conviction be fined not less than ten dollars, or more than twenty-five dollars, for each and every offence, one-half of the fine so assessed to go to the informer.

The report of the Committee on Expenditures was adopted, recommending the payment of the following bills, viz:

E. D. Keyes, paid laborers,	$ 488 50
Nelson & Baker,	32 12
E. D. Keyes, salary,	1,000 00
E. Gilbert & Co., printing,	92 00
W. A. Dalrymple, tools,	86 33
George Bingham, Overseer of Chain Gang,	113 00
Sutton, Bennett & Co., lumber,	2,000 00
Dr. Melhado, Hospital bill,	13,347 00
John Belch, lumber,	1,159 50
D. W. Hunt, labor,	3,359 55
J. E. Townes, Coroner,	121 00
M. L. Robinson, salary,	400 00
Wm. Newell, burying the dead,	635 00
	$22,834 00

The resolution of Mr. Tilford, offered at the last meeting, was taken up and adopted, as follows, viz:

Resolved, That the election held at the last meeting of the Council for City Auctioneer, be and is hereby annulled, and that the Council now proceed to the election of Auctioneer.

On the first ballot, A. A. Selover, Esq., was duly elected.

On motion of A. M. Van Nostrand,

Resolved, That a Committee of three be appointed by the Chair to report at the next meeting of the Council the proper measures to be adopted with regard to the adobe building situated on the Public Square, supposed to encroach on the property of the town.

Messrs. A. M. Van Nostrand, Tilford and Murray were appointed.

On motion of Mr. Ellis,

Resolved, That all public offices that are now rented at the expense of the town be vacated at the end of the present month; and that all officers entitled to an office at the expense of the town be furnished the same in the building formerly known as the American Hotel, and now belonging to the town of San Francisco; and that the Committee appointed for the disposition of offices in said building, furnish the Alcalde a report, informing him in what manner such offices have been disposed of, on or before the 28th inst.

A resolution from Mr. Van Nostrand, calling for an appropriation of $6,000 for the improvements of Taylor, Mason and Powell streets from Greenwich to San Francisco streets; also, a petition from citizens in that vicinity, was referred to Committee on Streets.

On motion of Mr. Brannan, the bill of George E. Tyler, Auctioneer, was taken up, and after some debate, was ordered to be paid at $17,097 98.

Ayes—Brannan, Gray, Ellis, Murray, Tilford and Van Nostrand—7.

Noes—Crooks and Graham—2.

On motion of Mr. Brannan, it was

Resolved, That all improvements upon the streets, except those on which special appropriations have been made, be temporarily suspended on the first of March next.

On motion of Mr. Murray, it was

Resolved, That the Chief of Police be directed to instruct all policemen to search for and report nuisances within the city limits, and that he detail such persons specially for this purpose as he may think proper.

On motion of Mr. Murray, it was

Resolved, That the Secretary be directed to have the entire proceedings of this meeting published in one or more papers of this city.

A bond was offered by F. D. Kohler, Esq., Chief Engineer of the Fire department, and was accepted.

On motion, the House adjourned to the 25th inst., 7 P. M.

H. L. DODGE, *Secretary*.

FIFTY-NINTH MEETING.

Meeting of the Town Council, February 25th, 1850.

Present—Messrs. Brannan, Crooks, Ellis, Gray, Graham, Green, Hagan, Murray, Steuart and Van Nostrand. Hon. John W. Geary presiding.

The minutes of the previous meeting were read and approved.

Two communications from the Prefect were read and laid on the table.*

On motion of Col. Steuart, the House went into a Committee of the Whole to hear the report of A. C. Peachy, Esq., City Attorney, which was accepted and ordered to be placed on record; and the thanks of the meeting tendered the Attorney for the zeal and ability with which it was prepared. The report was as follows:

To the Ayuntamiento of San Francisco.

Gentlemen:—In reply to the questions which have been propounded to me, from time to time, concerning the limits of the Pueblo of San Francisco, and the power of the municipal authorities to grant and sell lands lying within those limits, I have the honor to make the following report:

---

* See Appendix, No. 6.

The Royal Order of 1697, by which the Jesuits were authorized to establish Missions in California, directed that the lands should be taken possession of in the name of the King of Spain. These lands, therefore, were subject to the disposal of the Crown; a right of which use was made in 1813, when the Spanish Cortes authorized the secularization of a portion of the American Missions, or the transfer of the management of these establishments from ecclesiastical to the civil powers, and the application of their property to civil purposes. After the separation of the Mexican provinces from the Spanish dominion, the Californias were declared to be the territories of the Mexican Confederation, and directly subject to its supreme power, (see Const. Acts of Mex. Conf., Title X, Art. 7; also the Mex. Const., Title II, Art. 5.) It is further provided by the Mexican Constitution, Title III, Sec. 5, Art. 30, that the General Congress shall have power to grant laws and decrees for the interior administration of the territories.

The Supreme Government of Mexico, therefore, stood in the political relation to the Californias which Spain had formerly occupied, and it has frequently claimed and exercised authority of the most absolute character, both as regards proprietary right to the soil of California and political power in the government of the territory.

On the 17th August, 1833, the General Congress of Mexico passed a law secularizing the Missions of Upper and Lower California, and declaring them the property of government. Each Mission was to constitute a parish; and the church, with its sacred vessels, ornaments and other appurtenances, and such buildings as the government might deem necessary, assigned for its use. The most appropriate building of each Mission was to be assigned for the habitation of the Curate, with a lot of ground, not to exceed two hundred varas square. The remaining edifices were to be designated for court houses, preparatory schools, work-shops, etc. A lot of ground was to be laid out in each parish for a burial ground.

The Mission lands, being thus made public property, came under the operation of the Colonization Law of the year 1824, passed by the General Congress of Mexico, and the regulations of 1828, by which that law was limited and defined. The case had been anticipated and provided for in the 17th Art. of those regulations.

On the 6th August, 1834, the Territorial Deputation passed a general law, authorizing the granting of lands to Pueblos, on the application of their Ayuntamiento, for *ejidos* (common lands) and for *tierras de propios* (municipal lands.) The municipal lands were to be divided into middling sized and small portions, and rented out or sold at public auction, subject to an emphytentic tax (*encerro enfilenticos*) when *solares*, or house lots, were granted by the Ayuntamiento. The law regulated the price which should be paid per vara for such lots. All grants of land, however, made by the Territorial Legislature, whether for towns or any other purpose, were held subject to the restrictions contained in the par. 5 of the Decree of Aug. 18th, 1824; that is, the General Government still retained the right to make use of any portion of these lands, for the purpose of constructing warehouses, arsenals and other public edifices.

In some cases, the limits of these town grants were fixed by law; in others, they were limited only in one direction; in others, the limits were left to be defined by future legislation.

Acting under the authority of these laws, the Governor of California (Figueroa) on the 9th of August, 1834, issued "provisional regulations" for converting the Missions into pueblos. By these regulations the duties of the priests were confined to the spiritual affairs of the Mission; while the Territorial Government assumed the administration of all their temporal affairs. Common lands, (*ejidos*) and when convenient, also municipal lands (*propios*) were to be assigned to each pueblo; and authority be given for granting lands, not exceeding four hundred varas square, to individuals and heads of families. One half of the stock, seed and agricultural implements were to be distributed in the same manner. The fiscal affairs of the new pueblos were to be under the direction of the Ayuntamientos; and legal matters were to be decided by proper judicial authorities. The emancipated Indians were to assist in the cultivation of the common lands of the new pueblos, but were prohibited from selling any of the lots or stock assigned them by the Government. All contracts made by them were declared null and void; and the property sold by them was to be reclaimed by the Government as national property, the purchasers losing their money. If these Indians died without heirs their property reverted to the nation.

In the extra session of the Legislature at Monterey, in the year 1834, November 3rd, these provisional regulations of the Governor, (Figueroa) except so much as related to the personal services of the

Indians to the priests, were confirmed, and others formed, marking out the different curacies, defining the salaries of the priests, etc.

The entire direction of the property of the Missions was transferred from the priests to civil officers, called administradores. These administrators, however, were prohibited from making any sales of Mission property without the express orders of the Government.

On the 31st Oct., 1834, the Legislature received an official communication from the Governor, recommending the formation of an Ayuntamiento in San Francisco; and on the 3rd Nov., 1834, the Legislature passed an Act authorizing the "Partido of San Francisco" to elect an Ayuntamiento constitutional, to consist of one Alcalde, two regidores and a sindico, that being the number authorized by the last census of the partido and the law of July 10th, 1830. It was at first directed that the Ayuntamiento should reside in the Presidio, but in the early part of the following year (1835) the Juzgado of the ex-Mission of San Francisco de Asis petitioned for the removal of the Ayuntamiento of this locality, (*de aquel lugar*) from the Presidio to the ex-Mission. It is not known that any formal permission was granted, but the public records show that the officers of the Ayuntamiento thenceforth resided in the Mission, and their official papers are generally dated at that place. Even as early as July 15th, 1835, Francisco de Haro signs his official papers as "Juez 1st Instancia de San Francisco de Asis." The second election of an Ayuntamiento took place on the 27th Nov., 1835. José Joaquin Estudillo was elected Alcalde and José de la Cruz Sanchez, second Rejidor, the first Rejidor, Joaquin Isidro Castro, holding over. Guillermo Antonio Richardson, was elected Sindico. The Common Council was now called the Ayuntamiento of "San Francisco de Asis," (the name of the old Mission) or of the "Junto de San Francisco y su comprehencion," or merely of "San Francisco," and sometimes of the "partido of San Francisco of the Establiciamento de Dolores" and of the "parraje de Yerba Buena."

In 1839, California was divided into districts and partidos. The second partido of the first district was called the partido of San Francisco en Dolores (the popular name for the old Mission) and the Pueblo of San Francisco de Asis, or the Establishment of Dolores, made the "cabeza de partido," or chief town of the partido. The Ayuntamiento of this place was afterwards modified, and called a "junto municipal." In December, 1842, Jesus Noe was made first, and José de la Cruz Sanchez, second Juez, "para la puerto de San Francisco y su comprehencion." In April, 1844, Francisco and Ramon de Haro applied for a grant of the "Potrero de la en Mission de San Francisco de Asis." The petition was reported upon by the Secretary of the Governor, that as the Alcalde of San Francisco de Asis, Guillermo Hinkley, had declared the land applied for to be unoccupied by any "community or person," and that as the ejidos of that establishment had not been marked out, the petition might in the meantime be granted. The grant was accordingly made, with the following restriction. "En permiter los la occupacion del potrero mencionado sugestandos a la medicion que se hayer de los ejidos del Establiciamento de San Francisco." In May 1845, a difficulty arose respecting the election of Second Alcalde of the Pueblo, who was located in Yerba Buena. He was suspended by the Governor, and the First Alcalde (or Juez 1st de San Francisco de Asis, as he was sometimes called in the official correspondence) was directed to examine into the legality of the transaction. In these papers the Alcalde is sometimes called the "Alcalde de Yerba Buena" and sometimes "Juez de secundo nominacion de San Francisco de Asis." In 1846, Jesus Noe was made first, and José de la Cruz Sanchez, second Juez en la puerto de San Francisco.

The power of the Ayuntamiento of San Francisco to grant lots within the limits of the Pueblo was fully given by the law of August 6th, 1834, and the provisional regulations of Governor Figueroa, August 9th, 1834, which were confirmed by the Legislature in its extra session at Monterey in the same year. But as the municipal and common lands of the Pueblo had never been formally marked out, some doubt was expressed as to the legality of grants made by the Ayuntamiento of land in the parraje or landing of Yerba Buena. To remove all doubts on this point, and to save the citizens the trouble and delay of applying to the Governor and Legislature, a special Act was passed on the 22nd September, 1835, giving to the "Ayuntamiento de San Francisco" power to grant lands in the "parraje de la Yerba Buena" under certain specified conditions; the extent of territory subject to be so granted was limited only on the side next the water, a narrow strip being reserved for Government purposes; and it appears from the public records, that as late as May, 1846, the limits of the town lands in the direction of the Presidio had not yet been fixed. It is therefore believed that all lands in the vicinity of the old Mission of San Francisco de Asis, and the landing of Yerba Buena, not included in the legal grants to private individuals, or in reserves made by the Government, belong to the municipality of San Francisco, and are subject to be sold at public auction, or granted in solares or building lots, in the manner directed by law.

The power of the Government to make reservations for public purposes is fully conceded in the laws both of Mexico and California, but where such reservations have once been pointed out and established by the proper authorities, the remainder of the municipal lands can be disposed of by the proper municipal officers in the manner prescribed by law.

The Ayuntamiento are aware that, owing to other professional engagements, I found it impossible to make the visit to Monterey at as early a day as the emergency of the services, upon which I was to have gone, required. My partner, Mr. Billings, with the consent of the Ayuntamiento, was dispatched in my stead. It is to his exertions in Monterey, aided most efficiently by Mr. Halleck, that I am indebted for the information which I have had the honor of laying before the Ayuntamiento this evening.

The Committee then rose, and the House proceeded with the ordinary business.

The memorial of O. C. Wheeler and others, in behalf of the "Stranger's Friend Society," was read and referred to the Committee on Health and Police.

A petition of citizens in the north part of the city, for a wharf at the foot of Taylor street, was offered by Col. Steuart, and referred to the Committee on Streets.

A communication from Capt. E. D. Keyes was referred to the Committee on Expenditures.

The report of the Committee on Judiciary, recommending the following Ordinances, was adopted:

Your Committee, to whom the report of F. H. Southworth was referred at the last meeting of the Council, would respectfully report that they have examined said report, and find it highly important to the community that some efficient measures should be taken by the

Council to protect the public from a system of fraud, which is daily practiced upon them. To effect this your Committee, in the absence of the knowledge of any Ordinance upon the subject, would respectfully report the following:

"AN ORDINANCE REGULATING WEIGHTS AND MEASURES."

1st. *Be it ordained by the Common Council of San Francisco,* That ten days from and after the passage of this Ordinance, it shall be the duty of the City Inspector of Weights and Measures to proceed to search for and inspect all gold scales and weights used in the limits of the corporation, and to affix a seal upon those conforming to the proper standard as established by the Congress of the United States; and further, to report all persons to the Alcalde of San Francisco who shall use any other scales and weights than those so sealed by the City Inspector.

2nd. Any person or persons, who shall refuse to allow the City Inspector to examine and seal scales and weights used by them for buying or selling gold dust, or who shall be guilty of using any scales and weights, in the purchase or sale of gold dust, not sealed in compliance with the requisitions of this Ordinance, shall, for every such refusal, or for every time they shall use said scales and weights, upon conviction thereof, forfeit and pay not less than ten dollars or more than twenty-five dollars, one-half of said fine to be paid to the City Treasury, and the other half to the informer.

(Signed) W. M. STEUART,
H. C. MURRAY.

The following report of Mr. Brannan, Chairman of the Committee on Finance, was rejected, viz:

To the Honorable, the Town Council of San Francisco:

Your Committee on Finance would respectfully report: From the present deficiency of funds in the Treasury and its resources (which is impossible for this Committee to report in full at this time, from the fact that the Auditor and the Treasurer have not yet submitted their respective reports to the Council) the town is unable to sustain the present amount of expenses of the city without further resources, either by taxation or sale of public property, the latter of which has been restricted by an order of the Governor of California. Therefore your

Committee would report the restriction of expenses on the Police Department, which now numbers fifty to thirty, and the Hospital Department to the citizens of the city alone, and the restriction of foreigners from the privilege of the benefits on behalf of, and the expense of the city of San Francisco; also, for the immediate suspension of the improvements on the streets, with the exception of special appropriations.

Mr. Green, from the same Committee, offered the following as a minority report, which was accepted:

The minority of the Committee on Finance would respectfully report, that in order to raise funds to meet the current expenses of this municipality, they deem it advisable that the town lots, ordered to be sold on the 4th of March next, be sold as ordered; and recommend that all lots in this town now surveyed and not heretofore legally granted, be included in the same sale.

Upon the rejection of the report, offered by Mr. Brannan, he announced his intention to resign, and immediately tendered his resignation in writing, which was not accepted.

On motion of Col. Steuart, it was

Resolved, That the Comptroller be authorized to give a certificate to any person holding an account against the town of San Francisco, of the amount due thereon, whenever such account shall have been ordered to be paid by the Ayuntamiento, or be approved and passed by the Committee authorized to superintend the expenditure.

Resolved, That every certified account given as authorized by the former resolution, shall be paid by the Treasurer, in the order of their presentation, and shall at all times be received in the payment of taxes, licenses or other public dues, at their full amount or par value.

Ayes—Messrs. Brannan, Crooks, Ellis, Gray, Graham, Hagan, Steuart and Van Nostrand—8.

Noes—Mr. Murray—1.

On motion of Mr. Brannan, it was

Resolved, That the female employed to take charge of the town shall be discharged and paid off.

Ayes—Messrs. Brannan, Ellis, Gray, Murray, Hagan, Steuart and Van Nostrand—7.

Nays—Messrs. Crooks and Graham—2.

Mr. Ellis offered the following resolution,

Resolved, That in our opinion the Governor of California has no right to interfere in the sale of town lots; and that the sale of lots ordered by the Council to take place on the 4th of March, so take place.

On motion of Mr. Murray, the resolution was divided; and the first part unanimously adopted.

The yeas and nays were then called for on the latter portion of the resolution, and were as follows:

Ayes—Messrs. Brannan, Crooks, Ellis, Graham, Hagan and Van Nostrand—6.

Nays—Messrs. Gray, Murray and Steuart—3.

Mr. Brannan insisting upon the acceptance of his resignation, on motion of Col. Steuart it was reconsidered and accepted.

On motion of Mr. Van Nostrand, it was

Resolved, That the Committee on Health and Police be requested to report at the next meeting of the Board a suitable place to deposit garbage and other putrid matter, in place of the present place in the vicinity of Mason and Francisco streets.

On motion of Mr. Murray,

Resolved, That all the officers of this municipality be ordered to report forthwith.

The resolution offered by Mr. Van Nostrand, ordering the appointment of a Wharfinger, to collect wharfage on merchandise landed on the bulkhead at the foot of California street, was laid on the table until the next meeting.

The resignation of Mr. Ellis was accepted, and the thanks of the meeting tendered him for the fidelity and zeal which he has manifested in behalf of the City of San Francisco.

On motion, adjourned to March 4th, 1850.

H. L. DODGE, *Secretary.*

SIXTIETH MEETING.

Special meeting of the Town Council, March 2nd, 1850.

Present—Hon. John W. Geary, in the Chair; Messrs. Crooks, Graham, Green, Hagan, Murray, Steuart, Tilford and Van Nostrand.

The minutes of the previous meeting were read, and after several alterations, adopted.

The Chairman announced that the meeting was called at the request of Messrs. Green and Van Nostrand, to take into consideration the propriety of reconsidering the sale advertised for Monday next, when on motion of Mr. Green, the House proceeded to reconsider the resolution ordering said sale.

Mr. Murray offered the following resolutions:

Resolved, That the sale of town lots, ordered to take place, be postponed until the 4th of April.

Resolved, That in so postponing said sale, we are not actuated by any fear of the Governor of the State interfering in said sale; but that we do so, because we are desirous that those who are anxious to purchase said lots may have time to enquire into the legality of our acts in the premises.

Resolved, That we consider the interference of the Governor, in the sale of town lots by the Town Council of San Francisco, to be a high-handed act of usurpation on his part, and one in which neither the law nor the opinion of the public sustains him.

Mr. Hagan moved that the resolutions be taken up separately; when the first was amended and adopted as follows:

Resolved, That the sale of town lots, ordered to take place, be postponed until the 15th of March.

Ayes—Messrs. Graham, Green, Hagan, Murray, Steuart, Tilford and Van Nostrand—7.

Nays—Mr. Crooks—1.

Mr. Tilford offered as an amendment to the second resolution, that a Committee of three be appointed to lay before the Governor a statement in writing of the fiscal affairs of the city, and of the necessity which exists for the sale of a portion of the municipal lands of the corporation.

Col. Steuart offered the following, as a substitute for Mr. Tilford's amendment and the original resolutions of Mr. Murray.

Resolved, That the Constitution of the State of California prescribes the duties, and limits the powers, of the Governor; and therefore this Council recognize no power in the Executive to interfere in their municipal affairs.

Resolved, That any attempt so to interfere, under the pretense that such right is the prerogative of the Governor, ex officio, or belongs to him as the Executive of Mexican law, is inconsistent with the provisions of the Constitution, and is an assumption of power dangerous to the rights and liberties of the people.

The ayes and noes being taken, were as follows:

Ayes—Messrs. Steuart, Crooks, Graham, Green, Murray and Van Nostrand—6.

Noes—Messrs. Hagan and Tilford—2.

Mr. Tilford then offered his amendments as a separate resolution.

Mr. Van Nostrand offered as an amendment the following resolution:

Resolved, That a Committee be appointed by the Chair to lay before His Excellency, the Governor, the report of Mr. Peachy respecting the sales of town lands and the state of the Treasury.

The ayes and nays being called for, the amendment was lost by the following vote;

Ayes—Messrs. Hagan, Tilford and Van Nostrand—3.

Nays—Messrs. Crooks, Graham, Green, Murray and Steuart—5.

The ayes and nays were then called for on Mr. Tilford's resolution, and taken as follows:

Ayes—Messrs. Hagan, Tilford and Van Nostrand—3.

Nays—Messrs. Crooks, Graham, Green, Murray and Steuart—5.

On motion of Col. Steuart, it was

Resolved, That the report made to the Ayuntamiento by Archibald C. Peachy, Esq., City Attorney, ordered to be recorded in the proceedings of the last meeting, together with said proceedings of the last meeting and the minutes of this meeting, be published in the daily papers of San Francisco.

On motion of Mr. Murray, it was

Resolved, That the City Attorney be instructed to file a copy of the papers obtained at Monterey relative to the boundaries of the city of San Francisco, and the right of the Council to dispose of the town lots of the city, in the office of the Alcalde; and that the same be published in the proceedings of the Council of the city.

The resolution offered by Col. Steuart, authorizing the Committee on Streets to suspend all improvements on the streets, after some debate was laid on the table.

On motion of Col. Graham, it was

Resolved, That the Common Council have postponed the sale of town lots until the 15th of March, for the purpose of giving purchasers the opportunity of enquiring into the validity of our acts in the premises.

On motion, adjourned to the 4th instant.

H. L. DODGE, *Secretary*.

SIXTY-FIRST MEETING.

Meeting of the Town Council, March 4th, 1850. Hon. John W. Geary presiding.

Present—Messrs. Crooks, Graham, Green, Hagan, Murray, Steuart, Tilford and Van Nostrand.

There being a quorum present, the minutes of the previous meeting were read and adopted.

Communications from Capt. Dring and C. C. P. Parker, Esq., were read and referred to the Committee on Streets.

Communication of Dr. Stout referred to Committee on Health and Police.

A petition from Wm. Newell was read and referred to the Committee on Health and Police.

The petition of O. C. Wheeler and others was read and referred to the Committee on Education.

A petition from H. Howison was read and referred to the Committee on Streets.

The reports of the Comptroller and Treasurer were read and referred to the Committee on Expenditures.

The report of the Collector, stating that $16,662 05, had been received for licenses during the month of January, was read and referred to the Committee on Expenditures.

The report of F. D. Kohler, Esq., Chief Engineer of the Fire Department, was read and accepted.

The reports of the Chief of Police and of Jacob Calvin, Master of the Prison Brig, were read and referred to the Committee on Health and Police.

On motion of the Chairman of the Committee on Expenditures, F. Tilford, Esq., was made a member of that Committee.

The report of Wm. M. Eddy, Esq., City Surveyor, was read and accepted.

The report of the Judiciary Committee was read and adopted.

The report of the Committee on Finance was accepted; and on motion of Col. Graham, so much thereof as recommends the appointment of a wharfinger, to collect wharfage on the bulkhead at the foot of California street, was adopted; the remainder was laid on the table until the next meeting.

The report of the Committee on Health and Police, relative to furnishing a boat and crew, for the use of the Health Officer, was accepted.

The following report from Mr. Hagan, of the same Committee, was read:

Your Committee would beg leave to report, that they have made enquiry as to the propriety of reducing the police force of San Francisco, and would submit the following: That there have been several resignations of members of said force last week, and the Assistant Captain informed us of many more which will take place this week, which will reduce said force to about thirty men. Our Committee would therefore respectfully recommend, that the vacancies by resignation, or otherwise, should not be filled until the said force be reduced to thirty members.

All of which your Committee would respectfully submit.

(Signed) JAMES HAGAN.

The ayes and nays being called for on the adoption of the report, it was adopted by the following vote:

Ayes—Messrs. Crooks, Green, Hagan, Murray, Steuart, Tilford and Van Nostrand—7.

Nays—Mr. Graham—1.

The report of the Committee on Expenditures was read and the following bills ordered to be paid, viz:

M. Fallon, for horse hire,	$ 50	00
Robert Beck, for clothing for prisoners,	397	00
Newell & Co., for hauling garbage, etc., from streets,	678	00
Pacific News, printing,	261	50
Pacific News, printing,	482	00
Geo. W. Porter, labors and materials on Station House,	45	15
Charles A. Gurley, services as Coroner,	22	00
Dr. H. H. Beals, medical services,	42	00
M. Robins repairing Court House,	730	00
A. A. Marshall, medical services at the Station House,	25	00
Macondray & Co., lumber,	675	67
Sam'l Flower, interpreting at the trial of Jos. Daniels,	150	00
Pay Roll of Police,	9,841	00
Dr. Rabe & Co., for force pump and hose,	275	00
H. L. Dodge, blank books and stationery,	50	00
John Richer, posting bills,	30	00
A. J. Vaughan, powder,	10	00
John T. Smith, hooks and ladders,	797	00
Criminal Court, divers prosecutions,	1,651	00
Amount carried forward,	$16,212	32

Amount brought forward,......	$16,212 32
Thos. J. Agner,..................................	145 25
P. J. Melvin, hauling off dead animals,..............	62 00
Capt. Keyes, labor on bulkhead on Pacific and Market streets,.....	2,200 00
Rosenbaum & Shafter, furniture for Town Hall,.........	151 25
City Surveyor's office,................................	2,087 84
	$20,858 66

The bill of A. C. Peachy, Esq., for services as City Attorney, amounting to $2,600, was recommended by the Committee to be paid, but withdrawn for a specification of items.

The bills of Dr. Palmer, for $5,400, and Wood & Co., for $205, were referred by the Committee to a Committee of the Whole, when on motion of Mr. Murray, the House proceeded to consider said bills so referred, and after some debate they were laid on the table.

The Hospital bill of Dr. Melhado, for $6,156, was recommended by the Committee to be paid, but taken up in the Committee of the Whole and rejected by the following vote:

Ayes—Mr. Van Nostrand—1.

Nays—Messrs. Crooks, Graham, Green, Murray, Steuart and Tilford—6.

The following report was adopted, viz:

The Special Committee, to whom was referred the subject of the old adobe building, supposed to encroach upon the Public Square, and formerly occupied as the Custom House, have made diligent inquiry respecting the same, and find that the building was erected in 1845 by the Spanish authorities for, and used as a Custom House until the summer of 1846, when it was occupied forcibly by military possession, by the Marine Guard of U. S. Sloop of War Portsmouth, as a barrack for themselves and the American volunteers who repaired to the American flag. After the establishment of peace, a portion of the building was transferred to the Collector of the Port, and the remainder was, and is still in possession of the Quartermaster. As so many conflicting statements have been made the Committee, by gentlemen of undoubted integrity, your Committee believe the matter must be eventually referred to the Home Department at Washington; they would therefore recommend that a memorial be prepared immediately, to be forwarded to our representatives by the steamer of the first proximo, setting forth the claims of this town to said property, and requesting them to use every effort to secure the city possession of the same.

(Signed) A. M. VAN NOSTRAND, *Chairman.*
F. TILFORD,
H. C. MURRAY.

On motion of Col. Steuart, it was

Resolved, That the City Auctioneer be directed to rent at public auction, after one week's advertisement in the daily papers, all the rooms in the building known as the City Hall, which have not been appropriated or set apart for public uses.

On motion of Mr. Steuart, it was

Resolved, That in view of the misapprehensions which exist, in reference to the condition of the affairs of the town, the several committees to whom the reports of the public officers have been referred, be instructed to report at the next meeting; and that the same be made the special order of business.

Resolved, That when this meeting adjourns, it stands adjourned to Monday evening next, at six o'clock.

Mr. Van Nostrand offered the following resolution;

Resolved, That a Wharfinger be appointed to collect wharfage on the bulkhead at the foot of California street; and that the same rates of wharfage be adopted as those now collected by the Central Wharf; which was amended by reducing the rates twenty-five per cent., and adopted.

On motion of Mr. Graham, it was

Resolved, That the carts, horses and mules, belonging to the city, be sold on the 15th March at public auction by the City Auctioneer; and that the amount arising from said sale be turned over to the Treasurer by the Alcalde.

On motion of Mr. Graham, it was

Resolved, That the Committee on Judiciary be instructed to enquire into the expediency of making the City Attorney a salaried officer; and report the proper salary for the same.

On motion of Mr. Tilford, it was

Resolved, That a Committee of three be appointed by the Chair, to answer in writing the interrogatories contained in a communication addressed to the Ayuntamiento by H. Hawes, Esq., Prefect of San Francisco.*

The Chair appointed Messrs. Tilford, Murray and Green. Mr. Van Nostrand voted against the resolution.

On motion, adjourned.

H. L. DODGE, *Secretary.*

SIXTY-SECOND MEETING.

Special meeting of the Town Council March 5th.

Present—Messrs. Crooks, Graham, Gray, Green, Hagan, Murray, Steuart, Tilford and Van Nostrand. Hon. John W. Geary, presiding.

On motion of Mr. Murray, the reading of the minutes of the preceding meeting was dispensed with.

The meeting having been called to take into consideration the election of a City Attorney, the resignation of A. C. Peachy, Esq., as City Attorney was read.

Mr. Green moved that the resignation be not accepted. The ayes and nays being called were as follows:

Ayes—Messrs. Green, Crooks, Hagan and Tilford—4.

Nays—Messrs. Gray, Graham and Murray—3.

So the resignation was not accepted.

---

* See Appendix, No. 6.

On motion of Col. Steuart, it was unanimously

Resolved, That a Committee of two members be appointed to confer with Mr. Peachy, in reference to his communication addressed to this meeting.

Messrs. Steuart and Murray were appointed.

On motion, the meeting adjourned to the 11th inst.

H. L. DODGE, *Secretary.*

SIXTY-THIRD MEETING.

Council meeting, March 11th, 1850. Talbot H. Green presiding in the absence of the Alcalde.

Present—Messrs. Crooks, Graham, Gray, Green, Tilford and Van Nostrand.

The minutes of the two previous meetings were read and approved.

A communication from the Prefect was read.

The ayes and nays were taken on Mr. Van Nostrand's motion to lie on the table, which was lost.

Ayes—Messrs. Crooks and Van Nostrand—2.

Nays—Messrs. Graham, Gray, Green and Tilford—4.

On motion of Mr. Tilford, the communication was placed on file.

A communnication from E. D. Keyes, Engineer, was read and referred to the Committee on Expenditures.

A communication from H. Grimes, Esq., was read and referred to the Committee on Streets.

A petition from H. Gerke, relative to the grant of a lot of land, was read and referred to the Committee on Judiciary.

A petition from citizens on California street was read and referred to the Committee on Streets.

The report of Capt. Keyes was read and referred to the Committee on Streets.

The report of P. C. Lander, Esq., City Collector, was read and referred to the Committee on Judiciary, with instructions to report upon it at the next meeting.

The following report of the Committee on Streets was adopted:

The Committee on Streets and Public Improvements respectfully report, that they have had under consideration the resolution of Col. Steuart, for the opening and grading of Kearney street, from Pine to Market; and of Third street from Market to Mission. After mature deliberation, your Committee are of opinion that the street mentioned in the resolution should be opened and graded. In addition to reasons, which apply with great force to all public improvements of the nature contemplated in the resolution, there is another which it seems to the Committee is deserving of especial consideration, and which must commend the resolution to the favorable consideration of the Council. The streets in question lead to a large number of lots belonging to the corporation, and which will shortly be opened for sale; if this resolutien should pass, and be made public before such sale takes place, your Committee believe that it would add greatly to their market value. The Committee, therefore, recommend, that the sum of five thousand dollars be appropriated, from the proceeds of the next sale of town lots, for the opening and grading of Kearney street, from Pine to Market street, and of Third street from Market to Mission.

All of which is respectfully submitted.

M. CROOKS,
A. M. VAN NOSTRAND,
F. TILFORD,
JAS. S. GRAHAM.

The following report, from the same Committee, was also adopted:

The Committee on Public Improvements, to whom was referred the petition of Messrs. Stevenson, Parker, Miller, Sharon, Edwards, Tonsheneger, Pollard and others, praying for permission to build a wharf or pier upon the public domain, at some point on the north bay, between Taylor and Stockton streets, running from the beach to ship channel, respectfully report, that they have had the same under consideration, and see no reason why the prayer of the petition should not be granted.

Your Committee would further report, that the point selected is between Taylor and Mason streets, from Bay street to deep water. Your Committee are advised that no grants or sales of the town property beyond Bay street have been made by the Alcalde or Town Council; and that the survey of that section of the town contemplates the extending of two streets parallel with, and beyond Bay street, north point and beach, but which, unless piers are built on the streets running north and south, extended would be comparatively valueless. Whereas, by the building of the pier, as contemplated by your petitioners, who ask no exclusive privilege, or that more land may be granted than what is necessary to construct the work upon; a large valuable tract of public property will be placed at the disposal of the town, either to sell or lease, thereby producing a very considerable revenue from property now unproductive; and at the same time encouraging improvements in a portion of the town hitherto entirely neglected, and upon which not a dollar of public money has been expended for improvements, but which, if the contemplated pier be built, will at once add to the revenue of the town, by increasing greatly the amount of taxable property. Your Committee, therefore, recommend the adoption of the following resolution:

Resolved, That the Alcalde execute to the petitioners a grant of land under water, for the purpose, and upon the condition of building thereon a wharf or pier, commencing at some point upon Bay street, between Taylor and Mason streets, of the width of seventy feet; the said wharf or pier and sidewalk attached thereto to be of the width of seventy-five feet, running in a northerly direction to such a point of deep water on the bay as shall be agreed upon between the City Surveyor and the petitioners, and terminating at such point in the form of a T not exceeding two hundred and seventy-five feet east and west by seventy-five feet deep north and south; said pier to be completed within eighteen months from the execution of the grant.

F. TILFORD,
JAS. S. GRAHAM,
A. M. VAN NOSTRAND,
M. CROOKS.

The following report was adopted :

The Committee on Expenditures have carefully examined the reports of the City Treasurer and Comptroller, and compared the same critically with their books ; they take great pleasure in stating that the receipts and disbursements in the former, and the record in the latter office are all correct, and correspond with their reports. Your Committee take leave to state, that the order and regularity of the books and records kept by both gentlemen, filling these responsible stations, reflect great credit on them for perspicuity, condensation and simplicity in their records and accounts and merit the warmest eulogiums of your Committee.

The report of the City Collector correspond with the records of licenses, &c., granted by the Comptroller for the same space and is therefore correct.

Very respectfully submitted.

A. M. VAN NOSTRAND, *Chairman.*

F. TILFORD per V. N.

The following bills were reported to be correct by the Committee and ordered to be paid :

Stephen R. Harris, for medical services,...............	$ 326 25
Bachus, Maltaby & Harrison, provisions,..............	1,302 12
William Fru, repairing fire engine,..................	100 00
Treadwell & Co., tools furnished Street Commissioner,....	40 50
Newell & Co., hauling offal from streets,..............	1,625 00
E. Kennith, labor on streets, ...	32 50
A. S. Marvin, stationery,.............................	8 00
Geo. Bingham, Overseer of chain gang,..............	140 00
Bartlett & Robb, printing,...........................	192 50
Dr. Stout, medical services,..........................	400 00
Dr. Stout, medical services,..........................	65 00
	$4,231 87

The report of J. J. Arentrue, Esq., Street Commissioner, was read and placed on file.

Mr. Tilford, Chairman of the Special Committee to whom was referred a communication from the Prefect, reported progress.

An Ordinance, relative to the appropriation of certain lots of land for the establishment and support of a free academy or college, was offered by Mr. Tilford and referred to the Committee on Education.

On motion of Mr. Van Nostrand the House proceeded to the election of a Wharfinger to collect wharfage on the bulkhead at the foot of California street.

On the second ballot Thomas P. Johnson, Esq., having received four votes was declared to be elected.

On motion of Mr. Van Nostrand, it was

Resolved, That the Wharfinger appointed shall receive a compensation of ten dollars ($10) per day, for each and every day's services; and be required to give a good and sufficient bond for the faithful performance of his duty, to be approved by the First Alcalde; and that his returns be made daily to the City Treasurer.

Dr. Smith's bill was referred to the Committee on Expenditures.

The bill of King & Co. was taken up in Committee of the Whole and referred to the Committee on Streets.

Dr. Stout's bill, for attending a seaman forty-four days, was ordered to be paid at five dollars per day, $220.

The bills of several Inspectors and Clerks of the election were referred to the Alcalde for his approval.

On motion of Mr. Gray, it was

Resolved, That the Committee on the Judiciary be instructed to report an Ordinance, so changing the License Law as to remedy the evils complained of by the Collector in his report.

On motion of Mr. Graham, it was

Resolved, That the Committee on Streets and Public Improvements be authorized to make such arrangements for the removal of nuisances as, in their opinion, will conduce to the benefit and economy of the city.

On motion of Mr. Graham, it was

Resolved, That the unappropriated rooms in the City Building be rented by the month at public auction; and that they shall not be used for any purpose which shall be objectionable to the City Council; payments to be made in advance.

On motion of Mr. Gray, it was

Resolved, That the public records be immediately removed to the rooms appropriated for that purpose in the new Town Hall; and that the Council hold its next meeting in said Town Hall.

The resignation of Mr. Van Nostrand, together with a communication to him from Commodore Jones, were read.

On motion of Col. Graham, the resignation was accepted.

On motion of Mr. Tilford, the thanks of the meeting were tendered Mr. Van Nostrand, for the able, efficient and patriotic services he has rendered the town while a member of the Council.

On motion, the Council adjourned to the 13th instant.

H. L. DODGE, *Secretary.*

SIXTY-FOURTH MEETING.

Meeting of the Town Council, March 18th, 1850.

Present—Messrs. Crooks, Graham, Gray, Green and Tilford. Hon. John W. Geary presiding.

The minutes of the previous meeting were read and approved.

A communication from the Prefect was read and filed.*

A petition from laborers on the streets was read and ordered on file.

A petition for the opening of Broadway street was read and laid on the table.

A petition for the improvement of Jackson street was read and referred to the Committee on Streets, with instructions to report at the next meeting.

A petition for the opening of Bush street was referred to the Committee on Streets.

---

* See Appendix, No. 12.

The report of the Committee on Expenditures was adopted, recommending the payment of the following bills, viz:

D. W. Hunt, for repairing Town Hall,....................	$2,036 09
W. R. Lount, for wood for Town Hall,....................	199 50
Neall & Smiley, furniture for Town Hall,..............	150 25
B. Reynolds, lumber,..	645 93
J. Street, repairing Court House,...........................	10 00
	$3,041 77

Dr. Palmer's bill for services as City Physician was ordered to be paid at five dollars per visit.

The Special Committee, to whom were referred T. M. Leavenworth's accounts, reported a balance due him of $5,274 87, which was ordered to be paid as soon as there is a surplus of funds in the Treasury.

The report of the Committee on Streets, recommending that the Alcalde take steps to remove tents, houses and other obstructions in California street, was adopted.

The following report was adopted:

The Special Committee to whom was referred the communication of the City Surveyor, relative to certain grants of land held by James Findla, beg leave to make the following report:

That the Alcalde be, and is hereby, authorized to receive back the original grants of the aforesaid Findla and cancel the same, and grant him an equal quantity of land in conformity with the present survey and as near the former location as can be given.

TALBOT H. GREEN, *Chairman.*

Mr. Green gave notice, that at the next regular meeting he should introduce a petition from several capitalists on Pacific street, for permission to commence the construction of Pacific Street Wharf.

The following resolutions, offered by Mr. Green, were unanimously adopted:

Resolved, That A. C. Peachy, City Attorney, be instructed to inquire into the truth of the following facts reported to the Council, and if any are found to be true, that he proceed immediately to prefer charges against him before the Governor of California:

First, That the Hon. H. Hawes, Prefect of the District of San Francisco, has contrary to law, instructed G. Q. Colton, Justice of the Peace, to sell and convey away the municipal lands of San Francisco.

Second, That said Hawes on the thirty-first December, 1849, issued a mandate annulling the injunction granted by the Court of First Instance against the said Colton, to restrain him from selling and conveying away the aforesaid municipal lands; and authorising said G. Q. Colton to perform all the functions of his office in the same manner as though no such injunction had issued.

Third, That the said Hawes, through the Sub-Prefect, by order dated February 2nd, 1850, instructed said Colton to render an account to him (said Hawes) of the grants of land in the town and vicinity of San Francisco, and of the conditional promises of grants which said Colton may have made; also an account of all moneys which said Colton may have received for the same; stating the amount per grant, and for promises of grants respectively; with an estimate of the proportion of such moneys, which said Colton might consider as appropriately belonging to the municipal funds; that said instruction was given to said Colton after he had been called on by the Ayuntamiento of said San Francisco to render an account of said transaction unto them, by petition filed in the Court of First Instance; and that the said instruction was further given to the said G. Q. Colton after the said Hawes had advised the City Attorney to file said petition against said Colton, on the information procured by said Hawes, as stated by himself; that the said Colton was fraudulently sending off funds, property belonging to the City of San Francisco, and would probably abscond from the jurisdiction of the State.

Fourth, That after said petition had been filed by the City Attorney, in accordance with the advice, and upon the information thus furnished him by the said Hawes; said Hawes told the said Colton the nature of the suit, which was about to be brought against him, and by exciting his fears, prevailed on said Colton to offer him, said Hawes, a retaining fee of $200 in said suit, which fee said Hawes accepted.

Fifth, That said Hawes has, for what he called his confirmation of Justice Colton grants, on various occasions received fees in money, contrary to the express provisions of the Law by which his office is created and its duties defined.

Sixth, That said Hawes has made large purchases of Colton grants; and contrived to have lands taken out in the names of others, but intended solely for the use, benefit, behoof and property of him, the honorable Prefect.

Seventh, That said Hawes, taking advantage of what he both subtlely and fraudulently pursuaded the said Colton to be the power of the Prefect, and the due obedience of a Justice of the Peace, hath obtained from the said Colton a large amount of money, viz: the sum of $2,500, for services rendered by the said Hawes, against the "Hounds."

On motion of Mr. Graham, it was

Resolved, That the Treasurer be instructed to reserve the first moneys coming into the Treasury, (not imperatively necessary for other purposes) for the payment of laborers and draymen who have been employed in improving the public streets.

On motion of Mr. Green, it was

Resolved, That Messrs. Butler and Wood are justly entitled to the sum of three hundred dollars for the plan of a Town Hall adopted by the Committee on Public Improvements.

On motion of Mr. Gray, it was

Resolved, That the Alcalde be authorized to instruct the Sheriff to enforce the immediate removal of a certain house known as the "Ocean House," situated in Broadway street at its entrance into the Bay, at its eastern termination.

On motion of Mr. Tilford, it was

Resolved, That Henry Howison, the present owner of water lots Nos. 226 and 227, be and is hereby authorized to construct a footwalk, or wharf, not exceeding ten feet wide, on the south side of Sacramento street, from front to the foot of said streets, giving and granting to said Howison the right to control and keep the said walk, or wharf, free and open at all times, so that an uninterrupted communication can be had with his property.

On motion of Mr. Gray, it was

Resolved, That the Town Council regard all titles to land made by grants or sales, in any form, within the jurisdiction of San Francisco, by any person or persons whatever, other than the legally elected Alcaldes and Town Council thereof, as illegal and of no effect.

On motion of Mr. Green, it was

Resolved, That the Committee on Public Improvements be instructed to report at the next meeting on the adoption of a place for a Jail and City Hospital from the numerous places now in their possession.

On motion of Mr. Green, it was resolved

Whereas, the Committee on Judiciary have failed to report to the Council on Mr. Henry Gerke's petition, asking to grant him two lots in place of the two granted him previously, and have now been taken by the town, and included in the Public Square,

Resolved, That the Alcalde be instructed to take back the former grants and grant him the two lots, Nos. 930 and 935, in lieu of 918 and 919, which were legally granted him, and that 918 and 919 be deeded to the town.

On motion of Mr. Tilford, the City Attorney was requested to present the reports of the Comptroller, Treasurer and Alcalde to the Governor.

On motion, adjourned to March 25th.

H. L. DODGE, *Secretary*.

SIXTY-FIFTH MEETING.

Meeting of the Town Council, Monday evening, March 25th, 1850.

Present—Messrs. Crooks, Graham, Gray and Hagan. Hon. John W. Geary in the Chair.

There being no quorum, the House adjourned until the 26th.

SIXTY-SIXTH MEETING.

Meeting of the Town Council, March 26th, 1850.

Present—Messrs. Crooks, Graham, Gray, Green, Hagan, Murray and Tilford. Hon. John W. Geary in the Chair.

The minutes of the last meeting were read and approved.

Several petitions and communications from citizens in the vicinity of Clark's point were read, remonstrating against the removal of the "Ocean House."

Mr. Murray moved to lay them on the table.

Mr. Tilford moved as an amendment, that they be referred to a Special Committee, with instructions to report at the next meeting; which was carried by the following vote:

Ayes—Messrs. Graham, Green, Hagan and Tilford—4.

Nays—Messrs. Crooks, Gray and Murray—3.

The Committee was appointed by the Chair, consisting of Messrs. Tilford, Murray and Green.

A petition from numerous citizens of San Francisco, for permission to construct Pacific Street Wharf, was read and referred to a Special Committee, consisting of Messrs. Murray, Crooks and Graham.

A petition from James Blair, Agent, for permission to place a ship on Front street, was read and referred to the Committee on Streets.

A petition for the grading of Bush street was read; when Mr. Graham moved to place it on file, until the financial condition of the town would admit of its being taken up.

Mr. Tilford moved as an amendment, that it be referred to the Committee on Streets.

Mr. Murray moved as an additional amendment, that the Committee on Finance be instructed to report ways and means whereby to carry out the object of said petition, which was carried.

A petition from Wm. C. Parker, Esq., relative to the actions of the Prefect, was read and the following resolution unanimously adopted:

Whereas, Wm. C. Parker of San Francisco has presented his petition to the Ayuntamiento, praying that Horace Hawes be presented to his Excellency, Peter H. Burnett, Governor of California, as being guilty of adopting unwarrantable measures, under color of his office of Prefect of San Francisco, to enforce an order to stay proceedings, in a cause pending in court, obtained by him as council, as a writ of removal and possession: Therefore,

Resolved, That having examined the said petition of William C. Parker, which being accompanied with affidavits and documents substantiating the grave charges made by Mr. Parker against Horace Hawes, Prefect of San Francisco, we deem the matter of sufficient importance to elicit the attention of the Governor, and call for Executive action in the premises: Therefore,

Resolved, That the said petition, and the affidavits and documents accompanying the same, be forthwith transmitted to the Governor at San Jose; accompanied by a copy of these resolutions and proceedings.

A communication from A. C. Peachy, Esq., City Attorney, was read and the following resolutions unanimously adopted:

First, That the following charges against the Hon. Horace Hawes, Prefect of the District of San Francisco, be preferred to the Governor of the State of California:

Charge the First, That the Hon. Horace Hawes, Prefect as aforesaid, has contrary to law instructed G. Q. Colton, a Justice of the Peace in and for the District of San Francisco, to sell and convey away the municipal lands of San Francisco.

Second, That the said Hawes, on the thirty-first of December, 1849, issued a mandate annulling the injunction, granted by the Court of First Instance in civil actions, in and for the District of San Francisco, on the petition of this Ayuntamiento against the said G. Q. Colton, to restrain him from selling and conveying the aforesaid municipal lands; and authorizing the said G. Q. Colton to perform all the functions of his office in the same manner as though such injunction had not issued.

Third, That the said Hawes, through the Sub-Prefect, by order dated February 2nd, 1850, instructed the said Colton to render an account to him (said Hawes) of the grants of lands in the town and vicinity of San Francisco, and of the conditional promises of grants which said Colton may have made; also an account of all moneys which said Colton may have received for the same, stating the amount for grants, and for promises of grants respectively; with the estimate of the portion of such moneys which said Colton might consider as appropriately belonging to the municipal fund; that said instruction was given to said Colton after he had been called upon by the Ayuntamiento of San Francisco to render an account of said transactions unto them by petition filed in the Court of First Instance for civil actions in and for the District of San Francisco; that the said instruction was given to the said G. Q. Colton after the said Hawes had advised the City Attorney to file said petition against the said Colton on information possessed by said Hawes, (as stated by himself) that the said Colton was sending out of this State funds properly belonging to the city of San Francisco, and would probably abscond from this State to avoid responsibilty for his acts.

Fourth, That the said Hawes had accepted a retaining fee of three hundred dollars ($300) from the said G. Q. Colton for defending and assisting in the defense of the suit which was instituted against the said Colton by the Ayuntamiento of San Francisco on the —— day of December, 1849, in the Court of First Instance, wherein an injunction was prayed to restrain said Colton from alienating the municipal lands until the question of his right to do so might be considered by the said Court and determined.

Fifth, That the said Hawes has, for what is called a confirmation of Justice Colton's grants on various occasions, received fees in money contrary to the express provision of the law by which his office is created and its duties defined.

Sixth, That the said Hawes has indirectly purchased one or more lots of land belonging to the municipality of San Francisco from the said G. Q. Colton, Justice of the Peace, as aforesaid, the grants of which was made in the name of another person, but was so contrived by the said Hawes, for whose use, benefit, behoof and property, the said land was petitioned for and granted.

Seventh, That the said Hawes, taking advantage of what he hath fraudulently persuaded the said Colton to be the power of the Prefect, and the due obedience of a Justice of the Peace, hath obtained from the said Colton a large amount of money, viz: the sum of twenty-five hundred dollars ($2,500) for legal services rendered by said Hawes against certain persons known as the "Hounds," on a bill which was not duly audited at the time it was paid, and as far as is known has not been so audited up to this day.

Resolved, Secondly, That the charges set forth and contained in the above resolution against the above Prefect are according to the solemn belief of this Ayuntamiento, true and susceptible of proof.

Resolved, Thirdly, That the Governor of California be and hereby is respectfully requested to consider the matter in the first violation charged against the said Prefect, and to suspend the said Horace Hawes in the exercise of the functions of the office of Prefect until the matters and things herein charged against him shall be duly investigated by a competent legal tribunal.

Resolved, Fourthly, That a copy of the resolution passed by the Ayuntamiento on the 18th inst., directing the City Attorney to investigate the truth of certain statements therein contained relating to the official conduct of the said Prefect; and also, a copy of the report made by the City Attorney this evening, in reply to that resolution, be herewith communicated to His Excellency, the Governor of California.

Resolved, Fifth, That a report of the financial condition of the city of San Francisco, containing a statement of the revenues of the city from November 19th, 1849, to March 4th, 1850, and of the sources whence they were derived; together with a statement of the expenditures made by the city during that time, and the object of such expenditures, be herewith transmitted to his Excellency the Governor of California, and respectfully submitted to him for inspection and supervision.*

The petition of Mr. Cook and others was referred to the Committee on Streets; with power to adjust the claims therein set forth, if found correct.

The petition of P. A. Morse, offering for sale the San Francisco Hospital, was read and referred to the Committee on Health and Police.

Mr. Murray gave notice, that a suit had been instituted against the city by Mr. Curl, relating to burying persons on his land.

---

* See Appendix, No. 13.

On motion of Mr. Murray a Committee was appointed by the Chair to investigate the matter, consisting of Messrs. Tilford, Gray and Hagan.

The reports of the Committee on Streets, relative to petitions from citizens on Bush and Jackson streets, were adopted.

The report of the Committee on Expenditures was adopted, recommending the payment of sundry bills, amounting to $16,890 29.

The bill of A. A. Selover, Esq., City Auctioneer, was taken up in Committee of the Whole and ordered to be paid at $500.

On motion of Mr. Green, it was

Resolved, That the Alcalde be, and is hereby, authorized to purchase proper books for recording all the deeds and grants and other documents, now recorded in copy books and other small books now deposited in his office; and that the same be immediately transcribed with a certificate signed by the First Alcalde attached to each that it is a correct copy.

On motion of Mr. Tilford, it was

Resolved, That the City Surveyor be instructed to prepare a plan for the grade of the streets in San Francisco, and report the same to the Council.

A resolution was offered by Mr. Green, relative to confirming previous grants made by Alcaldes, and referred to the Committee on Judiciary.

On motion, the House adjourned to March 29th.

H. L. DODGE, *Secretary*.

SIXTY-SEVENTH MEETING.

At a meeting of the Town Council, March 29th, 1850.

Present—Messrs. Crooks, Graham, Gray, Green, Hagan, Murray and Tilford. Hon. John W. Geary in the Chair.

The minutes of the previous meeting were read and adopted.

The report of Wm. M. Eddy, Esq., City Surveyor, relative to the proper grade of the streets of San Francisco, was read and referred to the Committee on Streets.

A report from H. C. Murray, Esq., Chairman of the Committee on Education was read and accepted.

The report of the Committee on Expenditures was read and adopted; ordering the payment of the following bills:

Dr. P. Smith's Hospital bill,..	$3,252 00
Court of First Instance, for blanks,........................	105 00
	$3,357 00

The following report was offered by Mr. Tilford:

The Committee to whom was referred the memorial of William Green and others, remonstrating against the removal of the "Ocean House," would respectfully report, that, in their opinion, the removal of the said house is not at this time required by the wishes or interests of the community. They, therefore, recommend the adoption of the following resolution:

Resolved, That the resolution of the Council, passed on the 18th day of March, ordering the removal of the building known as the "Ocean House," and situated at the foot of Broadway street be, and the same is hereby, repealed.

F. TILFORD.
H. C. MURRAY.

The ayes and nays being called on the adoption of the report and resolution, were as follows:

Ayes—Messrs. Crooks, Murray and Tilford—3.

Nays—Messrs. Graham and Green—2.

So the report was adopted.

Mr. Gray made a verbal report relative to the suit instituted against the city by Mr. Curl, when on motion of Mr. Murray, the Committee were allowed more time to consider the matter, and authorized to ascertain the number of persons interred there; also to call upon the City Surveyor to ascertain the line of the street adjacent to said ground, and upon what terms the same can be purchased for a burial place.

The Chair urged in an impressive manner the importance of taking immediate measures to guard the city against a calamity by fire, when on motion of Mr. Murray, it was

Resolved, That the City Engineer be authorized forthwith to hire suitable houses, on the credit of the city, for engine houses; and that the two engines now belonging to the city be given out to companies; and that the hooks and ladders purchased by the city be also given to a hook and ladder company, and a house rented for them.

On motion of Mr. Murray, the following resolution was adopted:

Whereas, the election for county officers will take place on Monday next, and the present Town Hall is so remote from business as to render it almost unavailable, and at the same time is not sufficiently large and commodious for all the different Courts and offices to be holden in San Francisco; therefore,

Resolved, That a Committee of three be appointed by the Chair to select some suitable building for said offices and the holding of said Courts in some public part of the city, and report the same to the next meeting of the Council, together with the terms on which the same can be procured.

Messrs. Murray, Hagan and Crooks were appointed said Committee.

The following resolution was offered by Mr. Murray:

Resolved, That one hundred town lots be set apart by the Alcalde and the same be leased at public auction for the term of ninety-nine years, the rent of the same to be paid yearly in advance, said rent to be set apart for the purpose of promoting education and sustaining Common Schools in San Francisco,

Which on motion was laid on the table.

On motion of Mr. Green, it was

Resolved, That from the first day of April, A. D. 1850, John C. Pelton and Mrs. Pelton, his wife, be employed as teachers for the Public School in the Baptist Church, which has been offered to the Council free of charge, and that the average number of scholars shall not exceed one hundred; and that they shall be entitled to a monthly salary, during the pleasure of the Council, of five hundred dollars per month, payable each and every month.

On motion of Mr. Graham, the Committee on Education were instructed to draft an Ordinance for the regulation of said school.

The following bills were ordered to be paid, viz:

A. C. Peachy, City Attorney,........................	$2,600 00
M. L. Robinson, salary,........................	400 00

Dr. Palmer's bill was laid on the table.

On motion, the House adjourned until April 1st, 1850.

SIXTY-EIGHTH MEETING.

Council meeting, April 1st, 1850.

Present—Messrs. Crooks, Graham, Gray, Green, Hagan, Murray and Tilford. Hon. John W. Geary presiding.

The minutes of the last meeting having been read and approved, a petition from Don Manuel A. De Poli was read and referred to the Committee on Health and Police.

A petition from James Cunningham was read and referred to a Special Committee, consisting of Messrs. Gray, Tilford and Green.

A petition from Stevenson & Parker was read and referred to the Committee on Streets.

The President laid before the Council the following communications, received by him in the absence of the Sub-Prefect, which were read and ordered to be placed upon record and printed with the proceedings of the Council:

SAN JOSE, March 29th, 1850.

To HON. PETER A. BRINSMADE, Sub-Prefect of the District of San Francisco.

SIR:—You will please transmit a copy of the enclosed Order to the Ayuntamiento of San Francisco.

I have the honor to be, your ob't servant,

PETER H. BURNETT, Governor of California.

SAN JOSE, March 29th, 1850.

HON. PETER A. BRINSMADE, Sub-Prefect of the District of San Francisco.*

SIR:—The Hon. Horace Hawes having been suspended by me, upon charges presented by the Ayuntamiento of San Francisco, you will exercise the functions of Sub-Prefect independent of his control, and will accordingly conduct the election on the first of April next.

You will please communicate a copy of this Order to the subaltern authorities of your District.

I have the honor to be, your ob't servant,

PETER H. BURNETT, Governor of California.

Whereas, the Ayuntamiento of the City of San Francisco hath transmitted to the undersigned official reports from the City Treasurer, City Comptroller and First Alcalde, exhibiting the receipts and expenditures of the city from the sixth day of December, 1849, to the fourth day of March, 1850; and also a list of municipal lands sold, showing to whom sold, the price for which they were sold, and a description of each lot sold from the sixteenth day of November, 1849, to the fourth day of March, 1850; and whereas, it appears from these and other statements, that a greater amount of funds will be required to finish certain projected public improvements in said city (for the construction of which contracts have already been entered into) than can be raised from taxation and the payment yet to become due upon the sales of lots heretofore made:

Now, therefore, I, Peter H. Burnett, Governor of the State of California, do by these presents, in the name and by the authority of the People of California, set aside the Order of the Executive, suspending the sales of said lands, bearing date the fifteenth day of February, A. D. 1850.

---

* See Appendix, No. 14.

Given under my hand, at the Pueblo de San Jose, this twenty-ninth day of March, in the year of our Lord, eighteen hundred and fifty, and of the Independence of the United States the seventy-fourth.

PETER H. BURNETT.

The report of Col. Graham, Chairman of the Committee on Streets, relative to the petition of James Blair, was adopted.

The report of the same Committee, relative to the Surveyor's report was adopted.

The following report of the Committee on Finance was adopted:

The Committee of Finance beg leave to make the following report: That whereas, it has become necessary to raise funds to meet the engagements and contracts of the municipality of San Francisco, that all the water lots, heretofore regularly advertised, be sold on the twentieth day of April; the proceeds to be appropriated to the building of wharves and purchase of City Hall; and that one hundred town lots, in the new survey, be leased on ground rent for the term of ninety-nine years, and that the yearly proceeds be appropriated to the support of Common Schools in the city; and that one hundred and fifty town lots be sold for the benefit of the town, believing that they will bring at this time a fair price, as in our opinion, the question of sale has been fairly settled.

TALBOT H. GREEN.
JAMES HAGAN.

April 1st, 1850.

On motion of Mr. Gray it was

Resolved, That in the opinion of this Council, the only competent authority to dispose of the town property by grant or otherwise is vested in the legally elected Alcalde and Town Council, and that all grants or sales made by other authorities are illegal and void.

On motion of Mr. Green, it was

Resolved, That the first payment of all lots sold on the 20th inst., that one-fourth of the purchase money be paid within three days after the sale, and the balance in three regular payments of sixty, ninety and one hundred and twenty days; and that the Alcalde be and is hereby instructed to advertise the lots in the papers of this city and by handbills.

The following resolution and report were adopted:

Whereas, there was no organized Town Council for the Town and District of San Francisco from the first of January to first of August, 1849, to provide by legislation the ways and means for the necessary improvement of the town and expenses of the municipality thereof, thereby throwing the entire weight and responsibility upon the Alcalde and Chief Magistrate for the raising and providing the funds necessary for the purposes and for the maintenance of the proper authority of the said town, and which in consequence could only be effected by a resort to the sale by grant in the usual form of a portion of the public domain of the said town and district; therefore,

Resolved, That this Town Council do hereby approve, confirm and ratify all grants of land made within the jurisdiction of the Town and District of San Francisco by the Alcalde and Chief Magistrate thereof, to raise the necessary funds for the purposes aforesaid during his term of office, provided such grants shall appear upon the records in the archives of the Town and District of San Francisco.

The Committee to whom the foregoing preamble and resolution was referred, would respectfully report that they can see no objection to the passage of said resolution, but believe that public policy and the interest of the city require that something should be done by this Council in relation thereto; the uncertainty in which many of the titles are involved has had the effect of late to prevent capitalists from investing money in real estate in this city, and forced many to invest in other places. No declaration of the right of this city to the property which it claims can be too explicit, and if lots have heretofore been disposed of by Alcaldes without the approval of the Council, provided the same was done in good faith and for public benefit, your Committee consider it but an act of justice for the Council to sanction and approve the same.

H. C. MURRAY,
F. TILFORD.

Mr. Murray offered the following report and resolution:

The Special Committee, to whom the resolution was referred, instructing them to select some suitable building for a Court House and public offices, would respectfully report, that after due examination they have come to the conclusion, that the Graham House, situated on the corner of Kearney and Pacific streets, is the most suitable building and location which can be obtained; and that the interest of the city, as well as the accommodation of the public, will justify the Council in the purchase of the same. The lot on which the house stands is one hundred feet front on Pacific street and one hundred and thirty-seven feet on Kearney street. The house is one hundred feet in length and sixty-four in breadth and four stories high, with a metalic roof. There is a large and commodious yard around the building, containing two good wells of water and several outhouses and privies, together with many conveniences. The basement story, or ground floor of the house, can at a small expense to the city, be fitted up so as to make a good station for the police, a secure and commodious prison, and also, a room for one or more fire engines. On the first floor there is sufficient room for the County Court room, the Recorder's Court, the various offices of Clerks, Sheriff, Surveyor, Recorder, Assessor, &c., &c. On the second story there will be room for the Common Council hall, the District and Superior Court, and also, some eight large offices, which can be rented to lawyers and other persons, and will yield the city a handsome revenue. The third and fourth stories contain thirty-six rooms in all, which also, can be rented, as they are all large and airy.

The proprietors propose to sell this house, together with the ground on which it stands, for the sum of $150,000; and to take in part payment the present Town Hall for the sum of $50,000, which will leave a balance due them of $100,000. The location of the present Town Hall is so remote from all business as to make it at present almost unavailable, especially in bad weather; and your Committee are satisfied that the removal of the Courts of Justice would give universal dissatisfaction. The vacant rooms in it cannot be rented for any price to good tenants, and the Alcalde, and Judge of First Instance, aware of the public inconvenience which would result from it, have refused to remove their offices; at present the building is a tax upon the city for repairs, &c., without paying one dollar to the Treasury, or being of any service whatever. If, however, it should please you to purchase the Graham House upon the terms proposed, you will have the advantage of getting rid of a building at cost, which is worse than useless to the city; you will also, have all the courts and public offices under one roof, and a place which is accessible at all seasons of the year; situated upon one of the main streets of the city and closely connected with the business part of it. The various offices and court rooms, which it is our duty at present to provide for, will cost this city an amount of money for rents, almost equal to the price asked for the Graham House, in the next twelve months. A suitable room for the County Court would cost the city $500 per month, which would amount to $6000 per year. The District Court room, together with the Superior, the Recorder's and the Mayor's offices or court rooms would each cost as much, making for all in the space of one year, at a very low estimate, the sum of $30,000. Add to this the amount which must be paid for a Town Council Chamber, Police station, Clerk's, Recorder's and all the various offices, together with the cost of a jail and of fire engine houses, and you have a sum amounting in all to not less than $70,000, which must be paid by you if no public building is procured, as it is evident that the present Town Hall is not sufficiently large for the accommodation of all the above named officers. The city has already paid to an architect, whose plan for building a Town Hall has been adopted, the sum of $300. This building as projected is estimated at a cost of $300,000 for building alone, without the site upon which it is to stand, and cannot be completed in less than from six months to one year, during which time we would be compelled to pay the rent above estimated. If you should purchase the Graham House, there are eight rooms, or more, on the second floor, after giving place to all the necessary offices, which can be rented for $200 a month each, making in all the sum of $19,200 a year; and thirty-six rooms which, at a low estimate, can be rented on the third and fourth floors for $100 a month each, making $43,200, in all $62,400. At this estimate the building, including the necessary rents which, otherwise, the city would have to pay, together with the amount of revenue derived therefrom, would almost pay for itself in one year; and the rent derived from it alone in a little more than three years would pay the entire cost.

The finances of the city will not at present admit of the erection of a Town Hall, and the high price of labor and materials are sufficient to deter any body of men, who count the cost, from undertaking it. The Graham House is a building sufficiently large for all purposes of the city, and its construction and appearance will answer well for a public building. Under these circumstances, believing as your Committee does that it would redound to the interest of the city, and in the end be a saving of much money, the following resolution is recommended for your adoption:

Resolved, That the building known as the Graham House, described in the foregoing report be, and is hereby purchased for the use of the city; and that the Alcalde be, and is hereby authorized to exchange deeds with the proprietors, and draw on the Treasury for the balance of the purchase money.

All of which is respectfully submitted.

HUGH C. MURRAY, *Chairman.*
JAMES HAGAN.

Resolved, That the Trustees, to whom the deed of the present Town Hall was made on behalf of the Council, be, and are hereby authorized, under the direction of the Alcalde, to convey the same to the present proprietors of the Graham House; and that the additional sum of $100,000 be paid for the purchase of said Graham House, and that the Comptroller be authorized to audit said sum and pay the same from the City Treasury in the following manner, viz: one quarter within twenty days, one quarter in sixty days, one quarter in ninety days, and one quarter in one hundred and twenty days; and that the proprietors of said House be required to make a good and sufficient deed of conveyance to John W. Geary, present Alcalde of San Francisco, as Trustee, with restrictions or conditions therein contained, that he shall, as soon as this shall be incorporated as a city, deed the same to the Mayor of the city and his successors in office, for the benefit of the city.

Col. Graham, being a party interested in the property, asked to be excused from voting, which was granted by the Council.

The ayes and nays being called for the report and resolution were adopted by the following vote:

Ayes—Gray, Green, Hagan, Murray and Turk—5.
Nays—Crooks—1.

The report of the Committee on Expenditures was adopted and the following bills ordered to be paid:

W. Meyer,	$7,743 00
P. C. Lander, rent,	625 00
T. E. Tongueson,	217 00
	$8,585 00

H. C. Murray, Esq., made a report unfavorable to granting the petition of citizens of San Francisco, praying for permission to construct the Pacific Street Wharf, which was adopted.

Mr. Graham offered a minority report favorable to granting the prayer of said petitioners.

On motion of Mr. Green, it was

Resolved, That as lumber can be had at a very low price, that the Committee on Streets and Public Improvements be and are hereby authorized to advertise to receive proposals for fencing in three sides of Portsmouth Square, on any plan which they may adopt.

On motion of Mr. Murray, it was

Resolved, That the Committee on Public Improvements be instructed forthwith to employ a suitable architect to make the necessary changes in the Graham House, in order to make it suitable and convenient for Court rooms and other public offices; and that they be authorized without delay to cause the same to be fitted up, at the expense of the city, in proper style.

Several bills were referred to the Committee on Expenditures.

On motion, the House adjourned to April 4th.

H. L. DODGE, *Secretary*.

SIXTY-NINTH MEETING.

Meeting of the Town Council, April 4th, 1850.

Present — Messrs. Hagan, Murray and Turk. Hon. John W. Geary, presiding.

There not being a quorum present, the meeting was adjourned to the 8th instant.

H. L. DODGE, *Secretary*.

SEVENTIETH MEETING.

Council meeting, April 8th, 1850.

Present—Messrs. Crooks, Hagan, Murray, Steuart, Tilford and Turk. Hon. John W. Geary in the Chair.

The minutes of the previous meeting were read and adopted.

Mr. Steuart moved that it be entered on the Journal that he was not present at the called meeting of the Ayuntamiento, held on the evening of the 29th March, having had no notice of said meeting; that he was not present at the regular meeting on Monday evening, the 1st April, because he was informed no quorum was expected in consequence of its being the night of the general election; that not being present at either of said meetings, he had no knowledge of any negotiation being carried on in relation to the purchase of the Graham House, and had he been present he should have voted against the measure in any stage of its progress.

Mr. Murray moved to lay the communication on the table, which was lost.

Ayes—Messrs. Hagan and Murray—2.

Nays—Messrs. Crooks, Tilford and Turk—3.

The ayes and nays were then taken on the motion to spread upon the journal and carried.

Ayes—Messrs. Crooks, Tilford and Turk—3.

Nays—Messrs. Hagan and Murray—2.

A petition in favor of P. M. Cormick was read and laid on the table to be taken up at a subsequent time.

A petition from residents on Bush street was read and laid on the table.

The petition from Stanley and Skinner was referred to the Committee on Streets.

Communications from W. H. Davis and W. B. Almond were laid on the table, to be taken up in Committee of the Whole.

The resignation of W. H. Davis, Esq., was read and accepted.

Mr. Hagan from the Fire Department reported progress.

The following report offered by Mr. Tilford was adopted, viz:

The Committee on Streets and Public Improvements, to whom was referred the petition of Messrs. Stevenson and Parker, asking permission to make a sidewalk or cartway along Pine, Sacramento, Clay, Battery and Front streets and across Sansome, Battery, Front, Sacramento and Clay streets to their water property upon and beyond those streets, having had the same under consideration, can see no reason why the permission asked for should not be granted, and that they, as well as all persons having property under water, be permitted to make cartways or sidewalks upon piles or otherwise, upon and across any of the public streets leading to the same; and your Committee therefore, offer the following resolutions:

Resolved, That the prayer of Messrs. Stevenson and Parker be granted, and that they are hereby authorized to make sidewalks or cartways fronting and across Pine, Sacramento, Clay, Battery, Front and Sansome streets on piles, or otherwise, or upon and across any of the public streets now covered with water, leading to and along the front of their water property.

Resolved, That the owners of any water lots be, and are hereby authorized to make sidewalks or cartways upon piles, or otherwise, upon and across any public street leading to the same.

F. TILFORD,
W. M. STEUART,
M. CROOKS.

The following Ordinance reported by Mr. Tilford was adopted:

AN ORDINANCE GRANTING CERTAIN PRIVILEGES OF BUILDING A WHARF TO JAMES CUNNINGHAM.

Be it enacted, That James Cunningham, the owner of lots on Battery street, between Vallejo street and Green street, extending to Front street, in the town of San Francisco, be allowed to build, at his own expense entirely, and the town to be at no cost whatever therefor, a certain wharf to extend one hundred and fifty feet from the inner line of Front street outward into the bay, and to be thirty feet wide, connecting with a certain other wharf to be built by said Cunningham to the said inner line of Front street on lots Nos. 3, 4, 9 and

10 on the official map of beach and water lots of the city of San Francisco; and also, to erect at the end of the wharf when so extended another wharf, making the two into a T, the said outer wharf forming the head of the T to be three hundred and thirty feet long and thirty-six feet wide; the said Cunningham being allowed to lay boats of every description and vessels at the end and along the sides of said wharf, and to collect and retain from all boats, vessels, crafts and vehicles of every description, which may lay along side of, or in any way use any portion of said wharves, and on all or any goods that may be brought to or landed on said wharf, the customary rates of wharfage, until the corporation shall regulate generally the rates of wharfage, when he shall conform to them: Provided, that whenever Front street is filled in and carried through to Green street, and when used as a public street, said extension of the wharf from the inner side of Front street and the end thereof, shall become the property of the City of San Francisco forever, it paying no price therefor; and in consideration thereof, the said Cunningham is to be the owner of said wharves until Front street is filled in and carried through to Green street and used as a public street as aforesaid.

The Committee, to whom was referred the petition of James Cunningham, beg leave to submit the following Ordinance for the adoption of the Council.

F. TILFORD.

The report of the Committee on Expenditures having been read, the following bills were taken up in Committee of the Whole and ordered to be paid, viz:

A. T. Ladd,	$	50 00
Beard & O'Callagan, for labor on Battery street,		405 90
Dr. W. T. Brent, for post mortem examination,		450 00
W. Meyer & Co., for lumber,		5,339 88
P. Fenton, for bread,		118 50
Beard & O'Callagan, for labor on Battery street,		240 55
Myron Norton, Police and Criminal Magistrate,		1,293 50
Alfred Melhado, M. D., for professional services in hospital,		160 00
Fredrick C. Chase, for Town House furniture,		73 50
L. B. Coffin, Election Clerk,		200 00
Amount carried forward,	$	8,331 83

Amount brought forward,	$ 8,331	83
J. P. Van Ness, election expenses,	138	25
St. Francis Hotel, for refreshments,	42	00
Board of Canvassers of Election,	400	00
Alta California office, for printing,	747	00
Farrally Alden, for printing bills,	7	00
John Manning, constable services,	200	00
C. Arrich, lumber,	1,060	92
St. Francis Hotel, use of room, &c.,	85	00
Inspectors, Judges and Clerks of Election,	1,261	25
Inspectors and Judges of First Election District of County,	1,200	00
Inspectors and Judges of Second Election District of County,	1,200	00
Inspectors and Judges of Fourth Election District, Mission Dolores,	450	00
M. F. Butler, Clerk of Election First District,	200	00
Wm. L. Gibson, Clerk of Election Second District,	200	00
Wm. M. Irwin, Clerk of Election Second District,	200	00
Thomas J. Dryer, Clerk of Election Second District,	150	00
F. C. Bennett, Clerk of Election Second District,	150	00
A. S. Harris, ballot boxes,	70	00
Samuel F. Blaisdell, blacksmithing,	23	00
Charles Marshall,	98	00
Marvin & Hitchcock, record books,	55	00
F. D. Kohler, salary,	500	00
F. C. Bennett, powder,	37	50
John Benson, two spars,	125	00
John B. Wier, sundries,	14	25
S. H. Williams & Co., square timber and piles,	1,333	55
Court of First Instance, sundries,	89	50
Atla California Office, printing,	716	00
Police Pay Roll,	11,089	00
Expenses of City Surveyor's office,	92	19
E. Laffan, room rent,	200	00
City Surveyor, Pay Roll,	1,102	34
Robert Beck, as per bill,	236	00
Newell & Co., hauling,	1,705	50
Amount carried forward,	$33,460	08

Amount brought forward,	$33,460 08
J. D. Parker, policeman,	364 00
Lippitt, McAllister & Turk,	3,000 00
Dr. Smith's hospital bill,	13,040 00
Jacob Colvin, expenses of Prison Brig,	328 00
Beard & O'Callagan, labor,	583 08
	$50,775 16

On motion of Mr. Murray, the Secretary was directed to send a certified statement of the expenses attending the county election, held on the 1st inst., to the State Comptroller, with the request that the same be paid from the State Treasury.

The report and account current of the Street Commissioner was read and laid on the table for future action.

The following preamble and resolution were offered by Mr. Murray and laid on the table:

Whereas, the present Council is about to be superseded in consequence of the incorporation of the city by charter; therefore,

Resolved, That all persons having bills or claims against the city be required to present the same at the next regular meeting of the Council; and that all Committees to whom business has been referred be instructed to report the same at said meeting; and that the Council will not audit or pass on any accounts after the 15th of April, or incur any debts whatever after said period, except for the necessary expense of printing the proceedings of the Council, or for contracts already authorized.

On motion of Mr. Murray, it was

Resolved, That a Special Committee of three be appointed by the Chair, whose duty it shall be to divide the city into eight wards, and that they be allowed to call upon the City Surveyor to assist them in the same.

Messrs. Murray, Tilford and Crooks were appointed.

The following Ordinance, reported by Mr. Murray, was adopted:

AN ORDINANCE FOR THE REGULATION OF COMMON SCHOOLS.

1st. *Be it ordained by the Common Council of San Francisco*, That from and after the passage of this Act it shall be the duty of J.

C. Pelton, who has been employed by the Council as a public teacher, to open a school in the Baptist Chapel.

2nd. Said school shall be opened from half-past 8, A. M., to 12 M., and from 2, P. M., until 5, P. M., and shall continue open from Monday until Friday at 5, P. M.

3d. The number of scholars shall not exceed the number of one hundred; and no scholar shall be admitted under the age of four or over the age of sixteen.

4th. All persons desirous of having their children instructed in said school shall first obtain an order from the Chairman of the Committee on Education, and all children obtaining said order shall be instructed in said school free of charge.

5th. It shall be the duty of said Pelton to report to the Council on the first of each and every month the number of scholars and the progress of said school.

H. C. MURRAY,
F. TILFORD.

On motion of Mr. Crooks, it was

Resolved, That the Committee on Streets and Public Improvements be authorised to advertise for five days in two of the city papers for proposals to improve Taylor and Mason streets and Kearney and Pine streets, under the direction of the City Surveyor, the payment to be made from the proceeds of city lots after the 20th inst.

On motion of Col. Steuart, it was

Resolved, That the Secretary be directed to have the proceedings of the Ayuntamiento printed in pamphlet form, from the last publication up to and inclusive of the proceedings of this meeting.

On motion of Mr. Murray, it was

Resolved, That P. McCormick be, and is hereby employed by the Council, as Keeper of the Town Hall, at the monthly salary of $250, said appointment to continue during the pleasure of the Council.

On motion of Mr. Murray, it was

Resolved, That the Council go into an election of a Superintendent of Public Buildings and Improvements; and that the Committee on Judiciary be instructed to frame an Ordinance defining the duties of the same.

On motion of Mr. Murray, the House proceeded to the election of a Superintendent of Public Improvements.

John Vandewater was nominated, and on the first ballot unanimously elected.

On motion of Mr. Turk, it was

Resolved, That all bills for work or labor done upon the streets, previous to this date, and duly certified by the Chairman of the Committee on Streets, or the Street Commissioner, and found to be correct when compared with the books of said Street Commissioner, on presentation to the Alcalde, shall by him and the Committee therefor appointed, be duly audited and transmitted to the Comptroller and Treasurer, to be paid out of the first money received into the Treasury after this date.

On motion of Mr. Hagan, Mr. Tilford and the Alcalde were appointed to adjust said bills.

The following communication was received from Col. Steuart:

San Francisco, Council Chamber, April 8th, 1850.

To the Hon. John W. Geary, First Alcalde and President of the Town Council.

Sir: Being about to remove from the City of San Francisco, I have the honor to make known to you my resignation as a member of the Ayuntamiento; and in taking leave of those with whom I have been so long and intimately associated, beg leave to say, I shall carry with me most pleasing recollections of our association, and an enduring interest in whatever relates to their public duties and individual happiness.

Very respectfully, your ob't servant,

WM. M. STEUART.

On motion of Mr. Tilford, the resignation was accepted, and the thanks of the Council tendered Col. Steuart for his efficient and patriotic services as a member of that body.

On motion adjourned to April 10th.

H. L. DODGE, *Secretary.*

SEVENTY-FIRST MEETING.

At an adjourned meeting of the Town Council, Wednesday evening, April 10th, 1850.

Present—Messrs. Crooks, Hagan, Murray and Tilford. Hon. John W. Geary, presiding.

There being no quorum, the House adjourned to April 15th.

H. L. DODGE, *Secretary.*

SEVENTY-SECOND MEETING.

Meeting of the Town Council of San Francisco, April 15th, 1850.

Present—Messrs. Crooks, Graham, Green, Hagan and Tilford. Hon. John W. Geary, presiding.

The minutes of the previous meeting were read and approved.

A petition from residents in the vicinity of North Bay, praying for the removal of slaughter houses, was read and referred to the Committee on Health and Police, with instructions to report at the next meeting.

A commmunication from P. A. Brinsmade was read and filed.

A communication from F. H. Southworth, Esq., City Sealer of Weights and Measures, was read and referred to the Committee on Judiciary.

A communication from James Tobin, Esq., was read and referred to the Committee on Streets.

Petitions from residents on Sacramento street, J. C. Hays, et als., R. S. Dorr and G. B. Post were read and referred to the Committee on Streets.

The petition of N. Bugbee, Esq., relative to the purchase of a lot of land, was read and referred to the Committee on Judiciary.

A communication from M. Fallon, Esq., Chief of Police, was read and on motion of Mr. Crooks, it was

Resolved, That a Committee of three be appointed by the Chair, to employ the most efficient means to carry the filth of the city into the stream at the most convenient point, and appoint the most suitable place for the deposit of the same. Messrs. Crooks, Graham and Hagan were appointed.

The report of the Committee on Expenditures was read and the following bills ordered to be paid:

I. Martin Reese, Overseer of Chain Gang,.............	$ 210 00
George W. Nixon,................................	60 00
Robler & McCarthy, labor on Pacific St. Bulkhead,......	292 50
D. McCarthy, labor on Pacific street,......	1,597 40
D. Wright, use of engines,.........................	1,000 00
S. W. Jones, labor on California street and Bulkhead,....	1,500 00
Bartlett & Robb, printing,........................	180 00
Wm. Dunn, repairing engines,......................	37 00
P. M. Foley, Clerk of Election,.....................	200 00
John Manning, services as Constable in July, 1849,......	280 00
John Murphy, for hay,............................	62 50
Wm. Fassitt, labor,...............................	48 00
	$5,467 40

On motion of Mr. Hagan, it was

Resolved, That the City Auctioneer be allowed two per cent. on all actual receipts of sales and leases; and all other ordinances and resolutions to the contrary are hereby repealed.

On motion of Mr. Green, it was

Resolved, That the City Surveyor be, and is hereby directed to run out the southern and western boundaries of the city and report the same prior to the coming charter election.

On motion of Mr. Hagan, it was

Resolved, That a Committee of two be appointed by the Chair to arrange and designate suitable rooms in the Town Hall for the different officers elected at the late county election.

Messrs. Hagan and Graham were appointed.

On motion of Mr. Tilford, it was

Resolved, That the Engineer of the Fire Department and the Superintendent of Public Buildings be, and are hereby authorized to have constructed or placed on the lot attached to the Town Hall, a building of suitable size to contain one fire engine, and the hook and ladder truck.

Several bills for medical attendance upon Edward Edgerton, who was injured at the fire Dec. 24th, 1849, were referred to the Committee on the Fire Department, with instructions to report at the next meeting.

On motion, the House adjourned to April 19th.

H. L. DODGE, *Secretary*.

SEVENTY-THIRD MEETING.

At a special meeting of the Town Council, April 18th.

Present—Messrs. Gray, Graham, Green, Hagan, Murray, Tilford and Turk. Hon. John W. Geary, presiding.

On motion of Mr. Murray, the reading of the minutes of the previous meeting were dispensed with.

On motion of Mr. Green, the bill and injunction filed in the District Court by Burgoyne, Laffan and others vs. The Ayuntamiento was read.

On motion of Col. Graham, A. C. Peachy, Esq., City Attorney, was requested to give his opinion relative to the proper measures to be adopted in the premises and the determination of the powers of the Ayuntamiento.

After some discussion relative to the matters under consideration, on motion of Mr. Turk, it was

Resolved, That in the absence of satisfactory and reliable information, a Committee of two, in connection with the Chair, be appointed by the Chair to wait upon the Judges of the Supreme Court and ask from them their opinion in writing as to the authority of this Ayuntamiento to remain in office and act in their legislative capacity until superseded by the officers to be elected at the coming election for charter officers.

Messrs. Turk and Murray were appointed.

On motion, adjourned.

H. L. DODGE, *Secretary.*

SEVENTY-FOURTH MEETING.

Meeting of the Town Council, April 19th, 1850.

Present—Messrs. Crooks, Graham, Green, Hagan, Murray and Tilford. Hon. John W. Geary, presiding.

On motion of Mr. Green, the reading of the minutes of the previous meeting was dispensed with.

On motion of Mr. Murray, the City Attorney was instructed to defend the suits now pending against the Ayuntamiento, and bring them to as speedy a termination as possible.

On motion of Mr. Tilford, Mr. Peachy, City Attorney, was authorized to employ additional counsel if he deemed it necessary.

On motion, adjourned.

H. L. DODGE, *Secretary.*

SEVENTY-FIFTH MEETING.

At a special meeting of the Town Council, April 26th, 1850.

Present—Messrs. Crooks, Gray, Green, Hagan, Murray and Tilford. Hon. John W. Geary, presiding.

The minutes of the previous meeting were read and approved.

The following communication and order were read and ordered to be placed on record:

San Francisco, April 25th, 1850.

To the Ayuntamiento of San Francisco:

Gentlemen:—On the 23d and 24th inst., the cause of Burgoyne and others vs. The Ayuntamiento of San Francisco was argued in the District Court on general demurrer to the complainants' bill. Enclosed you will find a copy of the judgment of the Court in this cause pronounced this morning.

The effect of this judgment is to give the defendants liberty to answer within the time therein specified, and to dissolve the injunction in every particular, except so far as regards the sale or disposal of lands belonging to or claimed by the pueblo of San Francisco.

I have been requested by Gen. Wilson and Messrs. Yale and Nunes to present their bills for your action thereon; I accordingly hand them in.

I am very respectfully, gentlemen,
Your obedient servant,
A. C. PEACHY.

W. M. BURGOYNE, et als.,
vs.
J. W. GEARY, et als.

At a special term of the District Court of the Fourth Judicial District in and for the county of San Francisco, held at the Court House in the city of San Francisco, April 25th. Present—Levi Parsons, Judge.

This cause coming on for a hearing upon the bill filed by the complainants and upon the general demurrer filed by the defendants, counsel having been heard on the part of both of the complainants and defendants, it is Ordered that the general demurrer filed by the defendants be overruled, with liberty to the defendants to answer the complainants' bill of complaint within ten days after service of notice of this order by the solicitor for the complainants; and it is further ordered that the injunction allowed in this cause be dissolved, except so far as it relates to the real estate belonging to or claimed by the city or pueblo of San Francisco in said jurisdiction mentioned.

Copy of order in the above cause.

JOHN E. ADDISON, *Clerk*.
By S. W. VENABLE, *Deputy*.

Communication from Roberts & Graves read and laid on the table; and the Secretary directed to inform them the Council declined acting in the premises.

The petition of Charles P. Kimball was read and laid on the table.

The petition of Starkie, Janion & Co., and others, was referred to the Committee on Streets, with instructions to report at the next meeting.

Petition of J. A. McDougal et als., referred to the Committee on Judiciary.

On motion of Mr. Murray, it was

Resolved, That all Committees be instructed to report on Saturday evening, or on Monday next at farthest; and that no new business shall be taken into consideration after Saturday the 27th, by the Council.

On motion of Mr. Crooks, it was

Resolved, That whereas, the Committee on Streets and Public Improvements has made a contract with William McCook, for cutting and grading Kearney street, from Pine to Mission, according to a plan now exhibited in the City Surveyor's office; and whereas, an injunction has been served on said Council, prohibiting them from appropriating money for any purpose whatever; and whereas, said injunction has been raised, it is now

Resolved, That said Committee be instructed to authorize said contractor to proceed without delay; and that he be authorized to draw on the City Treasury and pay for said work as it proceeds.

On motion of Mr. Murray, it was

Resolved, That the City Attorney, together with the counsel employed by him to defend the suits of John V. Plume, et als., vs. The Town Council of San Francisco, be instructed to appeal the same to the Supreme Court; and that the thanks of the Council be, and are hereby tendered to A. C. Peachy, City Attorney, John Wilson and G. Yale, for their able and efficient services in the trial of said cause before the District Court of San Francisco.

On motion adjourned to the 27th, at seven P. M.

H. L. DODGE, *Secretary*.

SEVENTY-SIXTH MEETING.

Meeting of the Town Council, April 27th, 1850.

Present—Messrs. Crooks, Graham, Gray, Green, Hagan, Murray and Tilford. Hon. John W. Geary in the Chair.

The minutes of the previous meeting were read and approved.

A communication from Brown & Bowie was read and laid on the table until a subsequent period.

A report from Capt. Keyes was read and placed on file.

The report of the Committee on Streets adverse to granting the petition of James Tobin, relative to filling a pit at the head of Long Wharf, was adopted.

The following petition and report were submitted by Mr. Murray:

San Francisco, April 26th, 1850.

To the Honorable, the Ayuntamiento of San Francisco.

The undersigned respectfully represent to your honorable body, that the construction of a wharf at the foot of Broadway street would greatly promote the business and commercial interests of this city; and the undersigned being aware that, while no sufficient steps have been taken for this purpose, your honorable body cannot but be apprised of the importance and necessity of such improvements. They respectfully propose to construct a wharf at the foot of Broadway street in this city, upon the following terms:

They will build a wharf not less than 40, nor more than 60 feet wide, and not less than 100, nor more than 800 feet in length, with a T if we shall think it necessary 150 feet long; and they will finish and complete the same to the length of 100 feet within six months from the time they may be licensed to commence the same by your honorable body; they being authorized to collect and receive wharfage for the use of said wharf. The rates of wharfage to be established by your honorable body or the Common Council of the City of San Francisco.

In consideration of which license the undersigned will pay to the city of San Francisco, at such times as may be required, five per cent. of the net proceeds of the said wharf. Their books shall be opened to the inspection of, and their management of the business of said wharf be inquired into, by any member of your honorable body, or of said Common Council, that may be appointed for such purpose.

At the end of three years from the commencement of such wharf, the undersigned will sell the same to said city for the cost thereof, adding ten per cent. Should the said city not purchase the same at the expiration of five years from its commencement, they will convey or transfer the same to said city free of all charge and in good repair, ordinary wear and tear excepted.

The foregoing propositions are respectfully submitted to your honorable body, and the undersigned are prepared to carry them out on their part whenever they receive your favorable consideration and approval.

Respectfully,

J. A. McDOUGAL,
WM. E. DENNIS,
JAMES CARRAGAN.

The Committee to whom the foregoing petition was referred would report favorable, and recommend the adoption of the following resolution, viz:

Resolved, That J. A. McDougal, Wm. E. Dennis and James Carragan, their heirs or assigns, be and are hereby empowered by the Council to construct a wharf at the foot of Broadway upon the terms and conditions set forth in this petition.

H. C. MURRAY.

The report and resolution were objected to by the Chairman, and after some debate adopted.

The report of the Committee on Streets, adverse to making an appropriation for the improvement of Sacramento street, was adopted.

The Committee on Streets to whom was referred the claim of King & Co. for damage to his building, sustained by blasting near his premises, recommended that $75 be allowed for the same, which was ordered to be paid on condition that it be received in full of all demands therefor.

The following bills being duly certified were ordered to be paid:

W. H. Briggs, labor on bulkhead,	$	44 00
John Rehr, posting bills,		40 00
Marvin & Hitchcock, stationery,		26 00
Stephen R. Harris,		469 75
McKinne & Judkins, blacksmithing,		26 00
Dennison & Rowe, expense of Prison Brig,		25 89
Wm. Newell, hauling,		28 00
H. L. Dodge, stationery,		42 00
Wm. Newell, burying the dead,		315 00
Kellan & Buckley, Hook and Ladder Company expenses,		25 75
Wm. Newell, burying the dead,		1,500 00
G. W. Porter, expense on Station House,		45 00
Vanderwater, carpenter work,		772 00
Jacob Colvin, expenses of Prison Brig,		273 00
F. D. Kohler, salary,		500 00
Marvin & Hitchcock, blank books,		40 00
Amount carried forward,	$	4,172 39

Amount brought forward,	$ 4,172	89
Agnew, Randolph & Co., expense of Prison Brig,	60	40
Kohler & Co., three Police badges,	60	00
Palmer, Cook & Co., lumber,	494	06
Thos. R. Eadie, labor on streets,	227	50
John Baguman, Overseer of Chain Gang,	147	00
T. P. Johnson, services wharfinger,	240	00
Bachus, Mallaby & Harrison, Prison Brig expenses,	253	00
Central Wharf Company, use of pile driver,	625	00
E. D. Keyes, salary,	1,000	00
Central Wharf Company, use of pile driver,	875	00
H. Howison, (bill of C. Arick) lumber,	1,259	16
San Francisco Water Works, expense of Prison Brig,	47	60
R. L. Hess, expenses of Judge Almond's Court,	80	00
R. H. Taylor & Co., tools for Street Commissioner,	20	00
H. L. Dodge, extra services,	400	00
J. W. Geary, copying records of grants,	4,800	00
A. A. Selover, City Auctioneer services,	500	00
Yale & Nunes, professional services,	1,500	00
A. C. Peachy, professional services,	1,500	00
A. C. Peachy, professional services,	1,625	00
John Wilson, professional services,	1,500	00
H. [illegible] Bowie, professional services,	1,600	00
Bartlett & Robb, printing,	200	00
J. J. Arentrue, salary,	1,000	00
U. S. Ship Warren, boarding Jos. Daniels,	39	80
Geo. R. Parburt, professional services,	50	00
Jos. Winslow, labor on bulkhead,	14	00
J. Cottrell, labor on bulkhead,	20	00
F. Lowell, labor on bulkhead,	20	00
S. W. Stoddard, labor on bulkhead,	15	00
A. L. Melvin, labor on bulkhead,	10	00
P. H. Chase, labor on bulkhead,	125	00
Wm. Powell, labor on bulkhead,	60	00
L. Jacobs, labor on bulkhead,	66	00
	$24,056	41

The following report from the Committee on Finance was adopted:

The Committee on Finance would respectfully report, that whereas, the Town Council has been enjoined and forbidden, by order of the District Court, from disposing of any city or water lots, thereby leaving us without any other resources, than those derived from licenses, we know of no other means by which to raise money to meet the many demands now against the town, but would recommend that all accounts presented and certified by the proper officers, and audited by the Council and countersigned by the Comptroller, be considered valid claims against the town or city, and when so certified, that the City Treasurer be authorized to receive said certificates for their par value, in all dues to this town or city, either for town or city lots, taxes, or licenses.

TALBOT H. GREEN,
JAMES HAGAN.

San Francisco, April 27th, 1850.

On motion of Mr. Green, the Secretary was instructed to notify all salaried officers to present their accounts at the next meeting, up to May 1st.

On motion adjourned.

H. L. DODGE, *Secretary.*

SEVENTY-SEVENTH MEETING.

At a special meeting of the Town Council, May 1st, 1850.

Present—Messrs. Crooks, Gray, Hagan and Tilford. Hon. John W. Geary presiding.

The minutes of the previous meeting was read and approved.

The following communication from G. Q. Colton, Esq., was read and ordered to be placed on record:

San Francisco, April 28th, 1850.

STATEMENT.

To the Honorable, the Town Council of San Francisco.

Gentlemen:—I deem it a duty which I owe myself, as also, a duty which I owe to this honorable body, to lay before it a statement of my official agency in relation to the land grants. This duty is the more imperative, as I have seen in certain quarters a disposition to place upon me the entire responsibility in the matter.

I received my commission as Justice of the Peace from Mr. Hawes, Prefect of this District, about the first of November last. It was sent to Monterey and came back "approved by the Governor" about the 15th of the same month, as near as I can recollect.

Soon after this, and before I opened my office, Mr. P. A. Brinsmade called at my house and stated that he wished to present me with a petition for a grant of land. My reply was that I was not aware that it belonged to the duties of my office to make such grants, that it might get me into difficulty, and that I would prefer to have nothing to do with them. Mr. Brinsmade called upon me almost every day upon the subject for a week or ten days, urging me to make the grants. During this time I had opened my office and commenced my judicial business as Justice of the Peace. I at length said to Mr. Brinsmade, that he might leave his petition and I would examine the law and consult with legal gentlemen, in whose opinion I placed more confidence than in my own. I did so examine and consult, and at length came to the conclusion that I had the authority to make such grants. I stated to Mr. Brinsmade that I would talk with the Prefect, as I considered his opinion, so far as my responsibility went, of great importance. Mr. Brinsmade told me that Mr. Hawes had said to him that I had the authority to make the grants, and that it belonged to the duties of my office. I called twice to see the Prefect upon the subject, but he was out; the third time I called I learned that he had gone to San Jose. Mr. Brinsmade stated to me that Mr. Hawes told him, that if I hesitated to make the grants that I should refer the petition to him, and he would return them to me with an order to make the grants, and put the applicants in possession of the property; and that Mr. Hawes said, that he (Brinsmade) might say so to me from him (Hawes). Dr. H. I. Paine was present at the conversation, and has made oath to the facts as stated here. The affidavits of D. B. Northrop, Charles E. Huse and Julius K. Rose, can also be adduced, all tending to establish the same facts.

I deem it my duty and my right on this point to be precise, as these facts were stated by Judge Hyde in a communication to the "Pacific News" and then denied by Mr. Brinsmade. It is true, the information from Mr. Hawes did not come in an *official form*, nor was it necessary to justify me in acting upon it. I did not state that it was officially received. I made the first grants, I think, on the 18th December, and continued to make them from that day forward till the day on which the injunction from the Court of First Instance was issued against me. On or about the 26th of December (three or four days before the injunction was issued) Mr. Hawes returned from San Jose, and I went immediately to see him upon the subject of these grants. I learned from him that the information I had received from Mr. Brinsmade, respecting his opinion, was correct. Mr. Hawes told me at this time to *not pay over any of the moneys I had received to the Town without his order*, as he said he had a small bill to be paid first. I think Mr. Rose was present at this conversation. On the 31st of December, 1849, Mr. Hawes gave me a paper, of which the following is a true copy:

OFFICE OF THE PREFECT OF THE DISTRICT OF SAN FRANCISCO,
December 31st, 1849.

I, Horace Hawes, Prefect of the District of San Francisco, do hereby annul the injunction issued against G. Q. Colton, Justice of the Peace, by W. B. Almond, to restrain the said Colton from granting or selling lots of land within the District of San Francisco; and I do hereby authorize the said G. Q. Colton to perform all the functions of his office in the same manner as though no such injunction had been issued.

(Signed) HORACE HAWES,
Prefect of the District of San Francisco.

After the election of the fourth or fifth of January, Mr. Hawes sent the election bills to me for payment, with an order to pay them. These bills I paid. On the 15th of January, Mr. Hawes sent a boy to my house, saying that he wished to see me immediately at his office. I went to Mr. Hawes' office, when he presented me his bill for services rendered on the trial of the Hounds, saying, that he wished me to pay it. I replied, that it was a large bill to pay, and I was not sure the town authorities would allow it. Mr. Hawes said the money might as well be in his hands as mine, and that he would defend me against all damage from the town authorities. I said the bill at least ought to be certified by one of the Judges who were on the bench, and his certificate, Mr. Hawes said he would get; but he wished the money *that day*. I paid him the money, taking a receipt, the following of which is a true copy:

Received of G. Q. Colton, Esq., the sum of two thousand five hundred dollars, in payment of my bill against the town of San Francisco for legal services in the month of July last, for which sum I hold myself responsible against all demands that may be made upon the said G. Q. Colton, as Justice of the Peace, by the authorities of the Town of San Francisco.

(Signed) HORACE HAWES.

San Francisco, January, 15th, 1850.

Mr. Hawes has never presented me the certified bill as promised, although repeatedly asked for it. As Mr. Hawes had spent much time in advising me in regard to these grants and the management of the suit pending against me, it was suggested to me by Mr. Rose, the partner of Mr. Hawes, that Mr. Hawes expected some compensation. I therefore carried Mr. Hawes two hundred dollars. He was writing at the time, and said to me, "you may hand it to Mr. Rose at the other table; it is all the same." I then gave Mr. Rose the money.

On the 9th of February, I was removed from office by the Governor, on charges which I know to have been unfounded. I lay no blame to those who made these charges, as they acted without a full knowledge of the facts in the case. I chose to remain silent and suffer the disgrace rather than by a defence of *myself* to endanger the interests of the grantees. I believed that time would place me in a proper light before the community.

I made the grants,

First, Because I believed, and still believe the law authorized me to make them.

Second, Because I believed, and still believe it the most equitable mode of distributing the public lands.

Third, Because I was instructed to make them by the Prefect.

I have ascertained that I have given grants on many lots previously granted or sold by the city. This error I most sincerely regret, and would do all in my power to correct. Those acquainted with the many difficulties I had to encounter will not be surprised that I should make some mistakes of this kind. I have already corrected many of those mistakes and hope to correct them all. In conclusion I have not the presumption to state that I have been actuated at all times by proper motives, or that I have not in some instances done wrong. Perfection is more than could be expected from human frailty. After the publications and handbills issued against me by the Council, *I believe* I have done nothing but what a liberal minded man, under all the circumstances would excuse, if not justify. I have done nothing but what I was authorized to do by the Prefect.

My account I am ready to render to the authorities at any time. I only ask for it that charitable judgment which any officer, placed in similar circumstances, would have a right to expect

I am respectfully, your obedient servant,

G. Q. COLTON.

Accounts current for moneys received and expended on Market, California and Pacific Street Bulkhead were presented by Capt. Keyes and accepted, with instructions to Capt. Keyes to furnish the original vouchers on settlement with the Treasurer.

The report of Capt. Keyes, Engineer, was adopted, recommending that the full number of piles specified in the original plan for California Street Wharf be retained and the modification approved.

The following report of the City Surveyor was accepted and ordered to be placed on record:

SURVEYOR'S OFFICE, April 29th, 1850.

To the Honorable, the Town Council.

Your Surveyor would respectfully report that he has surveyed the southern and western boundaries of the city, in accordance with the orders of your honorable body, and finds that the southern boundary commences at a point on the bay south of the mouth of Mission Creek and runs westerly to a point about 550 feet south of the Mission church. The western boundary, starting from this point cuts the church buildings, and touches the bay some distance west of the Lagoon marked on the city map, thus including within the city limits nearly every building at the Mission Dolores.

All which is respectfully submitted.

WM. M. EDDY, *City Surveyor.*

A communication from J. C. Pelton, Esq., was referred to the Committee on Education.

The petition of Jacob Colvin was read, and one hundred dollars ordered to be paid Messrs. Bennett & Norton for defending Colvin, on condition that it be received as full compensation for the same.

The report of the Committee on Expenditures was read, and the following bills ordered to be paid:

Fitz Patrick & Wilson, for hauling,	$ 1,790 00
J. L. Folsom, money advanced to improve streets,	200 00
Wm. E. Dennis,	170 00
John Bagaman, labor,	393 00
Wm. Ledley, labor,	885 00
McGlynn & Grant, hauling,	140 00
Surveyor's Pay Roll,	2,806 09
John Vanderwater, election room,	150 00
Pacific News, printing,	372 00
Pacific News, printing,	844 00
Pacific News, printing,	16 00
R. Beck, sundry expenses of Station House from November, 1849, to May, 1850,	828 75
John Vanderwater, labor on Town Hall,	1,032 00
M. Murray, hauling,	70 00
Benj. Palmer, sundries for Town Hall,	54 25
Fitz Patrick & Wilson, hauling offal from streets,	1,396 00
Police Pay Roll,	8,157 66
Alta California office, printing,	1,092 00
E. Laffan, rent,	750 00
F. D. Kohler, two months salary,	1,000 00
Ed. Seaver, hauling,	20 00
Amount carried forward,	$21,646 75

Amount brought forward,	$21,646 75
Wm. Newell, burials,	1,200 00
J. McClatchy, posting bills,	4 00
Hamilton Bowie, lumber,	3,912 44
S. H. Williams & Co., lumber,	53 80
Coffee & Swett, pile driver, etc.,	675 00
Coffee & Swett, three bills for labor, $1,500 each,	4,500 00
E. D. Keyes, Engineer's salary,	783 33
F. P. Swett, services,	460 00
Daniel Wright,	381 00
	$33,816 32

On motion, the Board adjourned.

H. L. DODGE, *Secretary.*

SEVENTY-EIGHTH MEETING.

At an adjourned meeting of the Town Council, May 3d, 1850.

Present — Messrs. Graham, Hagan, Murray, Tilford and Turk. Hon. John W. Geary, presiding.

The minutes of the last meeting were read and approved.

The report of Dr. Gerry, Health Officer, was received and referred to the Committee on Health and Police.

The report of J. C. Pelton, teacher of the Public School, was received and placed on file.

On motion of Mr. Murray, it was

Resolved, That the Superintendent of Public Repairs be allowed six hundred dollars per month for his services from the time of his election until such time as he may be superseded.

The following bills were taken up in Committee of the Whole and ordered to be paid:

John W. Ackerson, house for Hook and Ladder Co.,....	$ 1,600 00
Dr. Smith's Hospital bill,........................	13,328 00
P. McCormick, labor on City Hall,..................	468 00
John Vanderwater, labor on City Hall,..............	500 00
J. C. Pelton, salary,..............................	500 00
D. C. McCarty, hauling lumber,.....................	185 00
J. C. Martin & Co., lumber,........................	91 20
D. C. McCarty, hauling engines,....................	40 00
	$16,712 20

On motion, the Board adjourned sine die.

H. L. DODGE, *Secretary.*

APPENDIX.

NUMBER I.

INAUGURAL ADDRESS

Of the Hon. Horace Hawes, Prefect of the District of San Francisco, delivered before the Ayuntamiento or Town Council, on occasion of taking the oath of office, briefly defining their respective powers and duties, September, 1849.

Fellow-Citizens of the Ayuntamiento:—I embrace the occasion of appearing before you, in compliance with law, for the purpose of taking the oath of office, to express to you, and through you to my fellow-citizens of this District, my sincere thanks for the honor they have conferred upon me in naming me their chief executive officer. I am no office-seeker, having resolved to decline henceforth all political preferment, and believing in my heart that a rational man cannot but prefer the tranquility of private life, with the title of an honest man and a good citizen, to the inquietude and disappointments of ambition. Yet I am not insensible to the distinction which the people have conferred upon me, or unmindful of the obligations I am laid under, and which they expect me to fulfill; and I esteem the compliment the more, as it is paid voluntarily by a community not excelled in point of intelligence by any other, and one in which as yet the baneful effects of party influences have not been exerted. It is on this account that I will not deny that I am gratified, not with the office, but the public esteem; and I know that the most appropriate return I can make, and that most acceptable to you and to them, will be to do my best endeavors to render myself worthy of it. This assurance has just been given under the solemnity of the oath which I have taken in your presence, and which I will ever keep in mind during my continuance in the responsible situation to which I have been appointed.

Under the peculiar circumstances of this District, with a population composed of recent immigrants, who, owing to that fact, must necessarily be unacquainted, to a great extent, with the existing laws, it may not be inappropriate for me to allude briefly to those provisions which define our respective functions; and I would remark in passing, that the laws now in force in this country, when well understood, may not be found so inadequate to the purposes of good government as has generally been supposed. It is, perhaps, the abuses and mal-administration which may have existed under the former government, rather than any defect in the laws themselves, which have brought them into disrepute.

The duties of Prefects, though enumerated in twenty-nine separate articles of the code, which will shortly be placed in your hands, may be briefly expressed. They are "to take care of public order and tranquility; to publish and circulate, without delay, observe, enforce, and caused to be observed and enforced, the laws throughout their respective districts; and for the execution of these duties, they are clothed with certain powers which are clearly specified and defined. They are particularly enjoined to attend to the subject of public instruction, and see that common schools be not wanting in any of the towns of their respective districts; they are also required to propose measures for the encouragement of agriculture and all branches of industry, instruction and public beneficence, and for the execution of new works of public utility and the repair of old ones; they constitute the ordinary channel of communication between the Governor and the authorities of the district, and are to communicate all representations coming from the latter, accompanied with the necessary information."

The general subjects of your charge, gentlemen, are the police, health, comfort, ornament, order and security of your jurisdiction, and you will perceive from an examination of the laws on the subject, that you are invested with extensive powers as respects the various matters upon which you are to act; and when we consider the probable destiny of the infant city, for which you have accepted the office of guardians, in respect to population, wealth and commercial greatness, the prudent exercise of those powers becomes a subject of incalculable importance. In all arrangements and improvements that are to be permanent, it will be well to take into view the interests, not only of the present, but of future ages; to regard San Francisco, not merely in its present condition, but in its *progress* and the maturity of its greatness. By a prospective view, behold it not only the commercial metropolis of the West, but for beauty and ornament, and the beneficence of its arrangements and institutions, the *model city*.

Although the lapse of time and the possession of public resources, not now at your disposal, will be indispensable to fulfill these expectations, and it will be for posterity to enjoy and to realize what you have contemplated, you will have it in your power, at least, to prevent any obstacles being interposed that might retard or effectually hinder your city from attaining a destiny so happy and so glorious. From this single view, you will perceive the importance of the functions which you have to fulfill. You act as a Town Council only, it is true, but the subject of your charge is to be regarded in its important relations to the State, to the Republic, and to the commercial world. Every American citizen will feel that he has an interest in it, and will look to the results of your prudent councils with pride and satisfaction. Your being the first Town Council regularly organized under the American Government, your proceedings will be reviewed by succeeding ones in all future time, and regarded with satisfaction, or with regret, as they may have facilitated or retarded the prosperity of the place.

As I have appeared before you simply to fulfill the directions of the law, which enjoins me to take an oath of office in your presence, I have no special recommendation to make to you. Such, however, as it may seem to be my duty to present hereafter will be communicated, from time to time, through the proper channels in writing. In the support of good order and public security, not the least difficult of our duties, perhaps, I shall cheerfully lend you every necessary assistance to the extent of the power entrusted to me.

In all our official acts, gentlemen, we must be guided by the law, which clearly defines the extent of our power. When we go beyond this, we act upon our own private authority, and without the protection or sanction of the people; and we become individually accountable, not only to the public, but to every individual whose interest may be affected. From this liability to individuals, for the excess of legal authority, no confirmatory Acts of the Legislature can exempt eith you or me. The Constitution of the United States, the supreme la of this country, forbids it. The right to indemnity in such ca becoming vested, can only be released by the parties interested; besides this, every act of a public officer, done without legal authority, is absolutely void, and must be so held by all Courts in which the subject may come, directly or indirectly, in question.

We must, therefore, for our own protection, and for the protectio and security of persons and property of the citizens who have repose in us their confidence, make ourselves acquainted with the law, observ it, and cause it to be observed and enforced, and in so doing we obey the *will of the people*, of which the law is the only certain legitimat expression. In this way, we shall have order and security and th confidence of the public, and more than all, a good conscience.

NUMBER II.

VETO MESSAGE

Of the Hon. Horace Hawes, Prefect of the District of San Francisco, to the Ayuntamiento, disapproving the "Ordinance fo Revenue."

To the Ayuntamiento of the Town of San Francisco:

An Ordinance, passed the twenty-seventh day of August, 1849, by the Ayuntamiento, has been communicated to me by your Secretary. I regret that the forms of law had not been observed by communicating it to the Sub-Prefect before its publication. However much I might desire to yield to the views of the Ayuntamiento, I cannot give my sanction to this Ordinance. It is therefore returned with my objections, and recommended to your re-consideration. Many of its provisions come in conflict with the laws; the taxes it imposes are unequal and disproportioned to the circumstances and abilities of those who have to pay them; it is calculated to weigh most heavily and injuriously upon the very class of men who, from their limited capital and resources, ought to receive encouragement and protection. The amount of revenue it is calculated to produce, taking into consideration the other means by which the municipal is to be supplied, is unusually large and far beyond the present wants of the town. I have seen, as yet, no specification of the objects to which this revenue is to be applied; no estimate of the expenses to be provided for. It is but reasonable that the tax-payers should know for what purpose their money is required. The very first step, therefore, should be to come to a determination with regard to what measures of public utility are to be adopted; and next, to make a careful estimate of the expenses attending them, and the amount of money necessary to be raised. The *measures* must be proposed first, that it may be seen whether they are legal and proper and within the powers of the Ayuntamiento; next, the *ways and means* and estimates of expenses. If the resources at the disposal of the Council should be insufficient, the law points out the manner in which the deficiency shall be supplied. There is, therefore, not the slightest reason why the Ayuntamiento should neglect any of the "measures necessary for the preservation of order and the security of persons and property." Abundant means will be at your disposal for the support of all necessary objects of public utility when they are *specified*, and no community will be more ready to supply them than this. But the people are very sensitive on the subject of taxes. The faculty of adjusting them with proper discrimination is, perhaps, the most difficult in its exercise of all the functions of Government. It is especially so here. Most of the inhabitants of this District are recent emigrants. Much the greater portion are persons of small property, who have left their homes on the other side of the Continent and come here to improve their condition; a large portion have sold what little effects they were possessed of there, and invested the proceeds in a few articles of merchandise, which they dispose of at retail on their arrival here in a tent or shed, and then proceed to the mines or enter into other employment. After sacrificing almost every comfort which they previously enjoyed, and coming hither to better their fortune, they will think it hard that the hand of oppression should follow them to the shores of the Pacific.

The tax imposed by this bill is, in the first place, *excessive*. Not half the amount of revenue which it is calculated to produce will, in my opinion, be required for the legitimate objects of your charge. I do not think it would be expedient, until a new government shall have been established, to undertake extensive improvements. What the people want at present is protection and security, and the measures conducive to that end should be adopted immediately. The inhabitants of this District, however, most of whom have recently arrived, and are yet without houses to live in, and destitute of almost every necessary comfort, are not prepared to endure taxation on so high a scale as this Ordinance proposes.

Next, the tax which the Ordinance proposes is unequal and disproportioned to the abilities of those upon whom it is imposed. Revenue Laws should be so adjusted as to foster industry and encourage labor, by freeing it from all unnecessary burdens. But this ordinance does precisely the reverse. It makes the drayman pay a tax of eighty dollars a year—probably as much as his cart and mule will be worth at the end of that period—that is, it taxes him to the full amount of his capital. The boatman is taxed upon precisely the same scale. The ordinance takes the whole capital of both, and gives them only the use of it for one year, worth, according to the customary rate of interest here, twelve per cent. The tax upon auction sales, being proportioned to the amount, is more just and equal, but much too high for the wants of the treasury. That imposed upon merchants and traders, however, is glaringly unequal and disproportioned. The wholesale dealer, with a capital of $150,000, will have to pay $400 a year, or about two and two-thirds mills on a dollar, while the small trader, who occupies a tent or shed, with a capital of no more than one thousand dollars, will pay three hundred dollars a year, or thirty-three and one-third dollars on a hundred—that is, the latter will pay a little over one hundred and twenty times as much in proportion to his ability as the former. The pedlar, who is not able to invest above one hundred dollars at once, perhaps, will pay six hundred dollars, or about *twenty-four hundred times as much* as the first mentioned. Supposing a Monte Bank, which pays a tax of six hundred dollars a year, by this ordinance, to have ten thousand dollars employed; then, as between the itinerant trader and the gambler, the patronage of the Council is in favor of the gambler by one hundred to one—that is, the former has to pay, relatively, one hundred times as much as the latter.

Other inequalities might be pointed out, but it is unnecessary. The ordinance taxes *labor* instead of *capital*, and the burdens which it imposes upon the former are enormous. It oppresses and destroys the very interests which it ought most to foster. For this reason I cannot assent to it.

There are other objections to this ordinance of a different character, but not less potent, on account of which it cannot be permitted to go into operation. The Ayuntamiento have exceeded their authority in undertaking to create and define new crimes and misdemeanors, in authorizing Alcaldes to exercise powers not conferred upon them by law, and in placing illegal restrictions upon trade and business, not in any way necessary to the collection of revenue. There is one remarkable provision in the Ordinance relative to hawkers and pedlars. It not only makes the act of peddling without a license, whether from ignorance of the Ordinance, or a design to violate it, a misdemeanor but subjects the offender to a total forfeiture of all his goods and chattels; "for all the goods, wares, merchandise, provisions or clothing found in his possession at the time of his arrest," will, in most cases, include all the property he has in the world. To punish an act with so much rigor which is *in itself* innocent, would be very harsh—I had almost said cruel—in any country, and peculiarly so in this, where most of the inhabitants are strangers, and ignorant to a great extent of the laws that have been long in existence.

It is to me a source of profound regret that I am obliged to differ with the Council. But while the law declares that the Prefect shall "cause the Ayuntamiento to comply faithfully with their obligations, and see that they do not exceed their authority;" the people who have honored me with their confidence, demand from me also the calm and independent exercise of my best judgment, and the utmost fidelity in the discharge of the duty which it dictates. In this they shall not be disappointed.

HORACE HAWES,
Prefect of the District of San Francisco.

SAN FRANCISCO, Sept. 10, 1849.

NUMBER III.

OFFICIAL NOTIFICATION

By the Alcalde of the resignation of certain members of the Ayuntamiento, and requesting the Prefect to call an election to fill all vacancies, and the Prefect's reply thereto.

San Francisco, January 1, 1850.

Dear Sir:—I have the honor to inform you of the resignation of Messrs. Simmons, Harrison, Harris, Price, Post and Townsend, as members of the Ayuntamiento—hereby requesting you to accept the same, and to order an election on Tuesday, the 8th instant, to fill all vacancies in the Council.

Very respectfully,
Your ob't serv't,
JOHN W. GEARY,
First Alcalde.

Official: H. L. Dodge, Sec'y.
To H. Hawes, Esq., Prefect.

Prefecture of San Francisco,
January 2d, 1850.

J. W. Geary, Esq., First Alcalde, &c.

Sir: The letter which you did me the honor to address to me on yesterday, informing me of the resignation of Messrs. Simmons, Harrison, Harris, Price, Post and Townsend, as members of the Ayuntamiento, and recommending that such resignation be accepted, was received last evening and considered. The resignations mentioned are accepted on your recommendation, without however relieving the individuals in any manner from any responsibilities, if any exist, which they may have incurred while in office.

Respectfully,
Your ob't serv't,
HORACE HAWES.

NUMBER IV.

MESSAGE OF THE PREFECT

To the Ayuntamiento, communicating the Governor's order, suspending the sale of Municipal Lands, and enjoining the Ayuntamiento, Justices of the Peace and all other officers to observe it, Feb. 19th, 1850.

PREFECTURE OF SAN FRANCISCO,
February 19th, 1850.

To the Hon. Ayuntamiento of the Town of San Francisco:

An order of His Excellency, the Governor of the State of California has been received and placed on file in this Prefecture, of which the accompanying is a true copy, suspending all sales of Municipal Lands in the city of San Francisco, till the further order of the Executive, or the Legislature shall have passed some Act in reference to said Lands.

The Honorable Ayuntamiento, Alcaldes, Justices of the Peace, and all others whom it may concern will govern themselves accordingly.

I have the honor to be with the highest consideration, &c.

HORACE HAWES,
Prefect of San Francisco.

Whereas, it hath been represented to the undersigned that a large sum of money has been raised by the sale of Municipal Lands in the city of San Francisco, a sum more than sufficient for all the wants of the city government, and that no further sale of said Municipal Lands is demanded, either for purposes of revenue or for the settlement and improvements of the city. Now therefore, I, Peter H. Burnett, Governor of the State of California, in the name and by the authority of the People of said State, do order and declare that no further sales of the Municipal Lands of said city shall be made, until the further order of the Executive, or until the Legislature shall pass some Act in reference to said lands.

Given under my hand at San Jose, the fifteenth day of February, in the year of our Lord eighteen hundred and fifty, and of the Independence of the United States, the seventy-fourth.

(Signed,) PETER H. BURNETT.

NUMBER V.

OFFICIAL COMMUNICATION

Of the Prefect to the Ayuntamiento, dated Feb'y 20th, 1850, reminding that body that an account of the receipts and disbursements on account of the Municipal Funds had been previously demanded but not rendered, and insisting upon the rendition of such account, in order that it might be forwarded to the Governor and published for public information.

PREFECTURE OF SAN FRANCISCO,
February 20th, 1850.

To the Hon. Ayuntamiento of San Francisco:

By a communication dated the 31st December, 1849, I had the honor to remind the Ayuntamiento that on the 1st day of January, 1850, an account was to be rendered of all their receipts and disbursements on account of the Municipal Fund, stating specifically, not only the sources from which the said Funds had been supplied, but also the objects for which any and all expenditures had been made, accompanied with the proper vouchers.

No account was rendered, but the liability of each one of the individuals who composed the Ayuntamiento at that time, to account for their administration of the Municipal Fund still continues.

I have now the honor to inform the Honorable Ayuntamiento, that on the first day of March next a full and complete account, as required by law must be rendered by them, of their administration of the Municipal Funds, in order that the same may be forwarded to the Governor, and published for the information of the people, and that any further delay cannot be allowed.

I am, gentlemen, with sentiments of highest consideration and respect,

Your obedient servant,

HORACE HAWES,
Prefect of San Francisco.

NUMBER VI.

OFFICIAL COMMUNICATION

From the Prefect to the Ayuntamiento, requesting certain information:

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO,
February 25, 1850.

To the Honorable Ayuntamiento of San Francisco:

I respectfully request that at the time of presenting your account on the first day of March next, you will communicate to me the following information:

First, How many, and what water and town lots have been sold by the Ayuntamiento since the first of August last, the date of the sale, price paid for each lot, and the name of the purchaser, with the terms of payment.

Second, How many of the said town lots, if any, have been originally purchased by members of the Ayuntamiento, at sales, public or private, ordered by that body.

Third, Whether, by the resolutions ordering the public sale made on the 3d of January, or any other public sale of said lots, it was provided that a credit should be given for the purchase money, and if so, whether notice that such credit would be allowed was given to the public, in the printed advertisements of such sale.

Fourth, Whether on the night of the 7th January last, the night preceding the election for members of the Ayuntamiento, several of the old members met and resolved to appropriate $200,000 for building a wharf at the foot of California street, and if so, who of such members were present at such meeting, and who presided thereat.

Fifth, Whether the water lots adjoining the line of the proposed wharf, were purchased by the same members who made the appropriation, and when.

This information is desired for the information of the government and the people, and has been called for by reason of repeated complaints, and it will be extremely gratifying to me if your reply should prove them groundless.

I have the honor to be, &c.,
HORACE HAWES,
Prefect of San Francisco.

OFFICIAL COMMUNICATION

Of the Prefect to Governor Burnett respecting the action of the Ayuntamiento.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO.
February 27, 1850.

To His Excellency the Governor:

SIR:—I have the honor to enclose herewith, the copy of a communication sent to the Ayuntamiento on Monday evening, in order that your Excellency may be informed of the progress of affairs of this district.

I regret to inform your Excellency that the Ayuntamiento appear to be determined to break loose from all the checks that the law has established, and to set the superior authorities at defiance. It will be perceived from the enclosed copy of a letter from their Secretary, and the printed handbill which was sent me, accompanying it, that they intend to proceed with the sale of municipal lands, and the probability is that no account will be rendered by them on the first of March. This state of things is exciting a high state of alarm with the public, who have sought in vain to know what has become of the immense sums of money that have already been raised, and now see that all that remains of the public property of the city, is about to be swallowed up and dissipated as effectively as if it was sunk in the bottom of the sea.

It remains for your Excellency to determine what further orders the exigencies require, and be assured they will be promptly carried into execution. I will cheerfully take that responsibility. I ought here to allude to the fact that the leading and most conspicuous actors in the council, have resigned their places and left the country, or are about to do so.

Feeling assured that your Excellency is determined to see the laws faithfully executed, and insist upon political purity in the administration of affairs, I am endeavoring to develope all the material facts respecting the official conduct of the council and some other public functionaries here. I shall succeed, Governor, if sustained—I shall succeed, and your Excellency and the public will be amazed at the result.

The importance of the dispatches I have to forward, has induced me to employ a special messenger to convey them.

I have the honor to be, with high considerations of respect,

Your Excellency's obedient servant,

HORACE HAWES,

Prefect.

NUMBER VII.

OFFICIAL COMMUNICATION

From the Prefect to Governor Burnett, advising him of the refusal of the Ayuntamiento to render account, and the determination of that body to proceed with the sale of municipal lands.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO,

March 1st, 1850.

To His Excellency, the Governor of California:

Sir:—Referring your Excellency to my respects of the 27th ultimo, it now becomes my duty to advise you that the apprehensions have been realised, which I then entertained, that the Ayuntamiento of San Francisco would fail to render their accounts as required on this day, and that they would persevere in their disregard of the order of your Excellency, suspending the further sales of municipal lands. Up to this late hour, 11 o'clock, p. m., no statement of accounts has been rendered to this Prefecture; and to-day, the "Catalogue of the sale of lots in the city of San Francisco," a copy of which I have the honor herewith to enclose, has been circulated through the town.

Your Excellency will therefore perceive that an issue is clearly presented between the Ayuntamiento of San Francisco and the constituted executive authorities of the State. The question to be decided before this community, and before the people of the State is, whether the arbitrary will of the members of the town council or the laws of the land, supported by the executive authorities, shall be the rule in the administration of public affairs.

I shall therefore feel extremely obliged by your Excellency's definite instructions for my governance in this crisis. On the presumption that your Excellency will be resolved to maintain the position in regard to the sale of municipal lands, taken in the executive proclamation of the 15th ultimo, I have the honor to suggest the necessity of my being furnished with instructions in that regard, at an early hour on Monday next.

I may be permitted to say that I have good reason to believe, that the very general sentiment of the citizens of San Francisco accords with the views of your Excellency, respecting the further sale of town-lots. It seems to be the very general opinion, that while so large a quantity of lands already sold remain unoccupied, there is no necessity for the public convenience of bringing more into the market, and that in the present depressed state of monetary affairs, a forced sale would be attended with immense sacrifice of present and future values to the town. There is furthermore, a great anxiety in the community to know how the proceeds of sales already effected have been or are being disposed of, before any further realizations shall pass into the same hands.

If in view of the facts and circumstances of the case, it shall appear to your Excellency that the 8th article of section 1st of the Mexican Laws, is an applicable rule of duty, I have the honor to invite your attention to the 3d and 6th articles of section 7th, as providing a mode of substitution that would be legal, and would be likely to afford satisfaction. I would have the greatest care used in the nominations of Justices of the Peace, on such an occasion for them, of men of the best qualifications and standing, so as to secure public confidence in a new custody of the municipal interests.

With the best considerations,

I have the honor to be,

Your Excellency's most ob't servant,

HORACE HAWES,

Prefect.

NUMBER VIII.

OFFICIAL COMMUNICATION

From Governor Burnett, to the Prefect, directing proceedings against the Ayuntamiento.

San Jose, March 4th, 1850.

Horace Hawes, Esq., Prefect of the District of San Francisco:

Dear Sir:—Your official communication under date of 2d inst. was received in due time. I have directed the Attorney General of the State to aid you and the Sub-Prefect in an examination of the law for the following purposes:

First, To file a bill in Chancery against the Ayuntamiento for such accounts as the law requires them to make out and transmit to the Sub-Prefect.

Second, To file a bill in Chancery to restrain the Town Council from completing the sales of lots made after the issuing of my order suspending the sales, and from collecting any of the money due upon obligations given for the purchase of such lots.

Third, To file a bill in Chancery to set aside all the purchases of town lots made by any member of the Town Council before or since the issuing of my order.

You will consult with the Attorney General, and will take the necessary steps that you and he may deem requisite. Having no time nor opportunity to examine authorities I refrain from expressing any positive directions further than the above. My views are stated more fully in the memorandum for the Attorney General. Your proceedings should be as prompt and speedy as possible. I have not, as I conceive, the power to suspend the Ayuntamiento unless by the consent of the Legislature. See 9th division of Article 1st, Section 1st. Before the Legislature could act, the evil would be passed a full remedy. I may however, lay the matter before them.

In the meantime leave no legal and fair means untried to bring the Ayuntamiento to discharge their duty as the law requires.

I have the honor to be,
Your ob't servant,
PETER H. BURNETT.

NUMBER IX.

OFFICIAL COMMUNICATION

From the Attorney General to the Governor, intimating his views with respect to the action to be taken against the Ayuntamiento.

San Francisco, March 8, 1850.

Honorable Peter H. Burnett,

Sir:—Since I have been here, I have given much and intense thought in relation to the powers and authority of the Ayuntamiento, and as to the proper mode of reaching that body, with a view of having defined the limitation of such power and authority. The more I have examined the matter, the more I am convinced that the plan of proceeding, as first proposed, would fail of the object we seek. Has the following idea ever suggested itself to your mind? At the ratification of the treaty of peace at Queretaro, the sovereignty over the soil of California was transferred from the government of Mexico to that of the United States, and consequently, although the existing laws at the time of the conquest are allowed to remain in full force, so far as they are necessary for the purposes of civil government, there can be no power under the Mexican law authorizing the alienation of American soil. The ratification of the treaty brings with it an exchange of sovereignty, and the soil, therefore, remaining ungranted by virtue of existing law, up to that time, must be subject to the action of Congress, and in the absence of any Congressional law authorizing its alienation, all sales made subsequent to that period must of necessity be invalid. Even granting (which I do not) the authority which they claim under the Mexican law, as having existed to the unlimited extent they exercise, is it legitimate to exercise it upon a soil which has been transferred, and in the very nature of that transfer, liable to the operation of different laws, to the exclusion of all other interference? I think not. In this case, would it not be better to issue a *quo warranto*, citing them to show upon what authority they assume the extraordinary functions they exercise? It strikes me that this would be the easiest and quickest method of arriving at the points in the case. They must show a good right to their office, which they cannot do, and they must show a clear and undoubted authority for the exercise of the powers we contend they have usurped.

Excuse this abrupt termination. I am suddenly taken ill and cannot proceed.

Yours, &c.,

E. J. C. KEWEN.

NUMBER X.

OFFICIAL COMMUNICATION

From the Attorney General to Governor Burnett.

San Francisco, March 15th, 1850.

Honorable Peter H. Burnett,

Dear Sir:—The enemy have fled, and we are sole occupants of the field. The sale is indefinitely postponed. I advised Hawes to exert the authority of his office to the utmost extent that law would justify, and in the event of failing to accomplish the desired end, I should have proceeded without further delay upon a writ of *quo warranto*. They are evidently fearful of any action that will cause an investigation into the extent of their authority, and catching some hint of ulterior proceedings in contemplation, in case of disobedience to executive behests, they have exposed the character of the beast that paraded so ostentatiously in the lion's skin. They will now so soon be superseded, and an investigation of their official conduct had by the competent authorities of the town and district, that I scarcely deem it advisable to take measures against them at present.

I appeared, &c * * *

Yours, respectfully,
E. J. C. KEWEN.

NUMBER XI.

PROCLAMATION

By the Prefect countermanding the sales of Municipal Lands advertised by the Ayuntamiento in violation of the Governor's order.

All further sales of the Municipal Lands of the town of San Francisco are suspended for the present, and the public are hereby warned against purchasing at the sale advertised to take place by order of the Ayuntamiento on Friday, March 15, or paying any money on account of them. The said sale is unauthorized, and under it the purchaser will acquire no title. The Governor, in the exercise of the power conferred upon him by law, by an order of the 15th of February, 1850, duly communicated to all the authorities of the district and published, has suspended for the present all further sales of the Municipal Lands of San Francisco. That order is still in full force. It was necessary to save to the city a small remnant of the public property, the greater part of which has been disposed of by the Ayuntamiento in less than six months, without rendering any account of the proceeds. I give no intimation respecting the validity of former sales, especially when members of the Ayuntamiento were both the sellers and the buyers, any further than to express my unequivocal disapproval of the latter. But it is my imperative duty to warn the public to give no countenance to a proceeding not only ill-advised and illegal, but carried on in open defiance of the constituted authorities of the State. Those who buy them will buy with their eyes open, and with the admonition that they can acquire nothing by their purchase.

Given under my hand at the Prefecture of San Francisco, this thirtieth day of March, A. D., 1850.

[Official.] **HORACE HAWES,**
Prefect of the District of San Francisco.

GEO. W. PUNCHARD, Secretary.

NUMBER XII.

OFFICIAL COMMUNICATION

From the Prefect to the Ayuntamiento, dated March 15*th*, 1850, *containing a list of water lots purchased in by the members of the Ayuntamiento at a sale ordered by them, and disapproving such purchases as contrary to law.*

PREFECTURE OF SAN FRANCISCO, March 18, 1850.

H. L. DODGE, ESQ., Secretary of the Ayuntamiento:

SIR:—I have the honor to enclose a communication to be by you delivered to the Ayuntamiento, and placed on file, and recorded among the archives of the municipality.

Respectfully, your obedient servant,
HORACE HAWES,
Prefect of San Francisco.

PREFECTURE OF SAN FRANCISCO, March 15, 1850.

To the Ayuntamiento of San Francisco:

GENTLEMEN:—I have learned by examinations made by my direction, that at several auction sales of municipal lands situated within the Town of San Francisco, made by the order of the Ayuntamiento, a large number of lots were purchased by members of that body, and several by their Secretary, the Auctioneer, one of the Alcaldes, and by business partners of members. I give below a list for your information, including the number of the lot, the date of sale, and name of purchaser:

Purchased by S. Brannan, Nov. 19, 1849, Lots Nos. 1288, 1289, 1383, 1381, 1317, 1371, 1224, 1225, 260, 242.

Purchased by S. Brannan, Nov. 28, 1849, Lots Nos. 1015, 986, 961, 963, 959, 199, 226.

Purchased by S. Brannan, Jan. 3d, 1850, Water Lots Nos. 462, 468, 647, 649, 652, 653, 654, 655, 744, 747, 748, 753, 754.

Purchased by J. W. Osborn, business partner of S. Brannan, Nov. 19, 1849, Lot No. 1359.

Purchased by same, Nov. 28, 1849, Lot No. 257.

Purchased by same, Dec. 10, 1849, Lots Nos. 211, 270, 251, 233, 239, 216, 204.

Purchased by same, Jan. 3, 1850, Water Lots Nos. 278, 280, 281, 282.

Purchased by Osborn & Brannan, Jan. 3, 1850, Water Lots Nos., 220, 221, 222, 229, 230, 231, 545, 546, 547, 548, 549, 550, 551, 552.

Purchased by F. Turk, Alcalde, Nov. 19, 1849, Lot No. 1353.

Purchased by H. L. Dodge, Secretary of Ayuntamiento, Nov. 28, 1849, Lot No. 994.

Purchased by Foster & H. L. Dodge, Nov. 19, 1849, Lots Nos., 1385, 1382.

Purchased by W. H. Davis, Nov. 28, 1849, Lots Nos. 1262, 1166, 256.

Purchased by G. B. Post, Nov. 28, 1849, Lots Nos. 1008, 1002, 983, 1058, 277, 996.

Purchased by George E. Tyler, Auctioneer, Nov. 28, 1849, Lots Nos. 278, 1005, 982.

Purchased by T. H. Green, Jan. 3, 1850, Water Lots Nos. 234, 241, 242, 243, 289, 290, 291, 484, 485, 486, 490, 491, 492, 493, 494, 495, 496, 497, 498, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 232.

Purchased by R. M. Price, Jan. 3, 1850, Water Lots Nos. 435, 436, 437, 438, 439, 440, 441, 763, 758, 765, 766.

The existing law of this country contains the most minute regulations respecting the management of municipal property, and the powers of the Ayuntamiento in respect to it. These regulations strictly prohibit any member of the corporation, whether Alcalde, Regidor, or Sindico, or Secretary, from purchasing, renting, or being directly or indirectly interested in the purchase or renting any part of the lands of the Pueblo in which they officiate. This principle of the existing law, so necessary to secure the fidelity and impartiality of these officers in the administrations of municipal affairs, was introduced into the Spanish Ordinances for the government of Pueblos three hundred and fifty years ago, and has been preserved during all the changes and modifications which those ordinances have undergone in the Mexican Republic. By the rules of the common law also, as recognized in the United States, it is believed that the same principle would hold good, and be rigidly enforced by a Court of Equity acting under it. The reason of the rule is obvious. A man cannot be the seller and the buyer of property at the same time. Those who are entrusted with property to sell, or dispose of otherwise, cannot directly, or by the intervention of a third party, transfer it to themselves, or convert it to their own use. It is to take away every temptation to fraud and collusion in the management of property held in trust, that Courts are rigid in the enforcement of this most salutary principle, and vigilant in detecting every artifice that may be adopted to evade it.

Considering the legal disqualification to purchase Pueblo lands, especially at auction sales, as extending, not only to members of the Ayuntamiento, but to those connected with them in business, as partners, as well as to the Auctioneer, or agent, by whose intervention the sale is effected, I have to inform you that the sales of the lots above specified, and all other sales made by the Ayuntamiento to any one of their own body, since the first of August last, are disapproved and annulled, expressing, at the same time, the opinion that the purchasers have no claim, in law or equity, to recover back that portion, if any, of the purchase money which they may have paid.

From this decision the Ayuntamiento, or any party interested, will have the right of appeal to the Governor.

It is proper for me to observe, that I have never received any account from the Ayuntamiento of the lands sold by them, or of their receipts and disbursements, and that information of the above mentioned purchases has been procured by me with some difficulty.

[Official.] HORACE HAWES,
Prefect of San Francisco.

Geo. W. Punchard, Secretary.

NUMBER XIII.

COMMUNICATION

Of the Prefect in reply to letter of Dr. Gates, refuting the charges made by the Ayuntamiento.

San Francisco, March 16th, 1850.

Hon. Horace Hawes, Prefect of San Francisco:

Dear Sir:—Having observed a communication published in the Pacific News of yesterday, signed "S. Brannan," containing questions and insinuations respecting your official conduct, I would respectfully ask your reply to the following questions, for the information of myself, and the people of this District, your constituents:

1st. Have you, previous to the resignation of Messrs. Brannan and Ellis, "members of the Town Council," acted upon the resignations of other members of the Town Council?

2d. Have you ever ordered Mr. Colton, Justice of the Peace, to make any grants of land, or advised him so to do, or approved of any made by him?

3d. Did you ever order Justice Colton to pay you any fees for services in the "Hound Trial," or any other money whatever?

4th. Have you ever disposed of, or claimed the right to dispose of any public funds of the Town of San Francisco?

5th. Have you ever granted, or claimed the right to grant lands?

6th. Has Justice Colton ever made any grants of land to you, or have you ever made application for such grants, and if so, how many?

7th. Have you ever received for any official services, any fees, directly or indirectly, other than the salary fixed by law?

Your early reply to the foregoing questions, with permission to make it public if you have no objection, is requested.

I am dear sir,

Very respectfully yours,

H. S. GATES.

PREFECTURE OF SAN FRANCICO, March 17th, 1850.

Dr. H. S. GATES,

Dear Sir:—Recognizing the right of the people to be informed with respect to all the official acts of their servants, I embrace the first leisure moment to reply to the questions propounded in your communication of yesterday, which I do as follows:

1. The law of 20th March, 1837, Sec. 4, Art. 5, declares that "they," the Prefects, will resolve on their own authority, the doubts that may occur respecting the election of Ayuntamientos, and accept or not the resignations of members thereof, and of the Justices of the Peace; but the parties interested will nevertheless have the right to appeal directly to the Governor.

The resignations of Messrs. Winston and Davis were communicated to me and accepted. The resignations of Messrs. Simmons, Harrison, Morris, Price, Post and Townsend, were also communicated to me by the Alcalde on the 1st January last, and accepted at his request, as will be seen by reference to his communication, and my reply thereto, copies of which are enclosed. Notwithstanding the previous resignation of Mr. Price and its acceptance, he reappeared again in the Council at a meeting held the night proceeding the election for new members, at which Mr. Brannan was present, and introduced a resolution which was adopted, appropriating $200,000 for building a wharf on the line of California street, to its junction with Market street, and thence to ship channel. One hundred thousand dollars more was subsequently appropriated for that part of the same work on the line of Market street. Of the water lots and contiguous lots to be benefitted by these appropriations, Mr. Brannan and his partner had purchased, as since ascertained by examinations made under my direction, twenty-five, and other members present at that meeting had purchased thirty-one.

2. I never ordered Mr. Justice Colton to make any grants of land, nor did I ever once see his face to my recollection, or have any communication with him directly or indirectly on the subject, or ever know that he made or contemplated making any grants of lands from the time he was commissioned, till the last of his grants had been made. I believe not exceeding twenty-five in all, were subsequently presented, and appearing to be conformable to law, were approved by me.

3. I never ordered Justice Colton to pay me any money, and never received any from him to my recollection except once, and that was upon a bill for services performed before I was appointed Prefect, which bill is duly certified and approved by the Court before which the services were performed.

Many other bills have been presented to Mr. Justice Colton, and paid by him, after being properly audited. Some of these bills were those of Judges and Clerks of elections, and were certified and approved by me.

4. I have never in any manner, disposed of any public funds in California, nor had one dollar in my hands. Of the million of dollars or more which the Ayuntamiento have raised by sales of lands and other ways, I have not only never *seen* an ounce of the "dust" but have been unable hitherto to get any *account* of it.

5. I have never granted any lands, or to my recollection, heretofore expressed any opinion as to my right to do so.

6. I have never received from Justice Colton, or any other public authority, any grant of land, nor have I ever applied for any.

7. I have never received directly nor indirectly so much as one rial for any official services, aside from my regular salary.

It is a rule with me, from which I have never departed in my official conduct, first, to act uprightly, and next, never to notice any censures or insinuations respecting me in the public prints.

I have answered, and you may publish this, or anything else you know respecting my official conduct.

I have the honor to be
Your ob't servant,
HORACE HAWES.

CERTIFICATE OF THE SUB-PREFECT.

The undersigned has noticed with great surprise a statement published in the Pacific News of March 21st last past, over the signature of "George Hyde," in the following words: "when the first applications were made to Mr. Colton for grants, he told the applicants that he would take the matter under advisement, and consult the Prefect. A few days afterwards Mr. Hawes directed him through P. A. Brinsmade, to make the grants, adding that if he hesitated to do so, he should send the petitioners to him and he would return them with an order to make the grants, and put the applicants in possession."

It is due to truth to say that the undersigned has never been made the medium of any such instructions or declarations from Mr. Hawes to Mr. Colton, and he is not aware of any fact in the official interchanges, direct or indirect, at variance with the public declaration of Mr. Colton in the Pacific News of January 10th, in the following words: "that Mr. Hawes, the Prefect, is in any way, directly or indirectly interested in these grants, or *even knew that they were made*, I pronounce a falsehood"—a declaration made several days after the injunction was laid upon him against making grants, and long after his grants were made.

P. A. BRINSMADE.

San Francisco, April 4th, 1850.

NUMBER XIV.

OFFICIAL COMMUNICATION

Of the Sub-Prefect in reply to the Governor's letter to him, (entered on the Journals of the Ayuntamiento) declining to assume or exercise the functions of Prefect.

Office of Sub-Prefect,
San Francisco, April 6th, 1850.

To His Excellency, Peter H. Burnett, Governor of California:

Sir:—It becomes my duty to advise your Excellency of the receipt by me this evening of your communications bearing date of the 29th of March last past. They were transmitted through the medium of the Alcalde; the seals had been broken; their contents had been published by order of that functionary, and the originals retained to this hour, although my office is well known, and might have been presumed (as was the fact) to have been placed, during any of my absences from it, in the charge of a person with instructions in regard to communications coming to my address. I detail these facts as the ground of any apology that may be deemed due from me for this late acknowledgment of your Excellency's letter and its enclosures.

At this last hour of my official existence, an Executive order upon me to exercise the functions of Sub-Prefect, independent of the Prefect, can scarcely admit of any practical application; and it may seem quite unnecessary to give any intimation of the views I should have adopted of the legal force of such an order, had I been in town at the day of its reaching here; or how far I might have considered it consistent with my own self-respect to have taken, as the rule of my official conduct in this community, an order of questionable authority, after the example here of the attempted displacement from office of a functionary of superior position, who had, with the assurance of Executive support, governed his official conduct by a plain and imperative rule of statute law. I may, however, be permitted to express on this occasion my profound regret that, while I was faithfully acting my part under the law and under your Excellency's instructions, requiring the Ayuntamiento of San Francisco to render to me for my examination and remarks an account of their administration of the municipal funds, the very salutary provisions of that law should have been entirely set aside by the act of your Excellency in receiving directly from that body, and in passing a favorable judgment upon it, a statement of accounts, without any respect to the requisite previous examinations and remarks of the Sub-Prefect and of the Prefect. In that feeling of regret, I assure your Excellency, the *people* of this town very generally and strongly unite.

With the highest considerations,
I have the honor to remain,
Your Excellency's most ob't serv't,
P. A. BRINSMADE,
Sub-Prefect of San Francisco.

NUMBER XV.

CHARGES AND SPECIFICATIONS

Presented by the Prefect to the Assembly of California in relation to the action of the Governor and the Ayuntamiento, April 2d, 1850.

To the Honorable Speaker of the Assembly of the State of California.

Sir:—I have the honor herewith to communicate to you certain charges against His Excellency, Peter H. Burnett, Governor of California, which I pray you to lay before the House, for such action, as a sense of their own dignity and that of the State of California, may dictate.

Should they think proper to require the necessary witnesses, papers and documents in support of these charges, they will be immediately brought forward.

I have the honor to be your obedient servant,

HORACE HAWES,

San Francisco, April 2d, 1850. Prefect of San Francisco.

To the Honorable Assembly of the State of California:

Horace Hawes, Prefect of the District of San Francisco, prefers the following charges against His Excellency, Peter H. Burnett, Governor of California, to wit:

1. That the said Peter H. Burnett, Governor as aforesaid is guilty of a plain and gross violation of the Constitution and Laws of the State of California, and a usurpation of powers denied to him by the said Constitution and Laws; and of official duplicity.

Specification 1. That the said Peter H. Burnett, Governor as aforesaid, by his written order dated the 29th day of March, 1850, addressed to the Honorable Horace Hawes, Prefect of San Francisco, and another order of the same date addressed to the Honorable P. A. Brinsmade, Sub-Prefect of said District, assumed and usurped without the authority of said Constitution and Laws, but in contravention of both, to suspend the said Horace Hawes, Prefect, &c., from the exercise of his functions, and ordered and directed the said Sub-Prefect to exercise the functions of his office independent of the control, and without subjection to the authority and supervision of the Prefect as the law directs, that the said Peter H. Burnett, Governor, &c., did this upon charges preferred against the said Prefect of which no previous intimation had been given to him, and which were unaccompanied by any proof that the said charges were preferred by officers subordinate to him, the said Prefect, against whom proceedings had been instituted and carried on for official misconduct with the approbation and under the instructions of the said Governor Burnett, that such official misconduct had been clearly proved by documentary evidence that had been laid before the said Governor Burnett, that while the investigation of the conduct of the said subordinate officers was progressing, the said orders of the 29th of March were issued, that two of the members of the Ayuntamiento of San Francisco who preferred the charges upon which the said Peter H. Burnett, Governor, &c., issued his said orders, received from that body an appropriation of $150,000 for the purchase of a house and lot, that other members of the same body had received above one hundred and twenty grants of town lands, which they themselves had ordered to be made, that they had appropriated $300,000 to build a wharf along the line of which they had illegally received grants of about fifty lots of fifty varas square, which illegal grants and appropriations the said Prefect had disapproved, that the said Ayuntamiento had disregarded the public interests and appropriated the public funds to their own private benefit, of all which the said Peter H. Burnett, Governor, was fully informed by indisputable documentary evidence, and had ordered the Attorney General to aid and assist the said Horace Hawes, Prefect as aforesaid, to proceed against the said Ayuntamiento for their aforesaid and other illegal acts, that under the circumstances above specified he, the said Governor, received from the said Ayuntamiento and their dependents the aforesaid charges, and without any previous intimation thereof to the said Horace Hawes, Prefect, &c., illegally issued the aforesaid orders of 29th of March, that each and all the said charges so far as they imply any improper conduct on the part of the said Horace Hawes, Prefect, &c., are false, that the first of them, on which alone a suspension of the said Prefect's functions was asked for, *was known* to the said Peter H. Burnett, Governor, &c., to be totally false.

SPECIFICATION 2. That the said Peter H. Burnett, Governor as aforesaid, having ordered and directed the said Prefect to adopt legal measures against the Ayuntamiento of San Francisco, to compel them to comply with their obligations, and among other things to render an account with vouchers as by law required, of their management of the municipal funds, and remit the same through the legal channels, carried on an official correspondence with different members of that body, and emissaries sent by them to confer with him, without giving information thereof to the said Prefect and Sub-Prefect, and received an account directly from them either with or without vouchers, which had not been communicated to either the Prefect or Sub-Prefect, thus violating the express provisions of the law, destroying the checks which it has established, and usurping powers that were denied to him.

Specification 3. That the said Peter H. Burnett, Governor as aforesaid, has contrary to the express provisions of the law usurped the power to examine and approve the accounts rendered as stated in the preceding specifications of the collection and expenditure of the municipal funds of the town of San Francisco, and to sanction extraordinary expenditures not authorized by existing laws, a power that belongs only to the Legislature.

And the said Horace Hawes doth solemnly declare that each and all the facts as above charged and specified are true and susceptible of proof.

Dated San Francisco, April 2d, 1850.

NUMBER XVI.

MEXICAN CONSTITUTIONS.

Federal System of 1824.

Under the Constitution of 1824, which ruled chiefly until the Central system was established in October, 1835, the Mexican Republic was divided into States and Territories, the former being "free, sovereign and independent," like the American States, and the latter being under the immediate control of the Federal Government, and subject to the exclusive legislation of the General Congress. The whole system was formed after the model of the United States.

Central System of 1836.

The Federal system was overthrown in 1835, and the *Bases* for a new Constitution were proclaimed in the federal capital on the first day of November in that year. The new Constitution itself was solemnly promulgated on the 30th December, 1836, under the style of CONSTITUTIONAL LAWS. The States and State governments then ceased. The whole legislative power of the Republic was vested in a general Congress. The former States and Territories became *Departments* immediately subject to the Supreme Central Government.

Bases Organicas of 1843.

The Constitution thus denominated, was promulgated as the fundamental law on the 13th June, 1843. The division of the Republic into Departments and their subjection to the Central Government was still continued, though with some enlargement of the powers of the local governments.

Under the Federal system, the two Californias (Upper and Lower) had existed as *Territories*, but under the Central system of 1836 and 1843, they constituted one Department, and were placed upon the same footing as the other Departments, except that the *Bases Organicas* provided that they might be governed with more immediate subjection to the Supreme authorities than the rest of the Departments, if Congress should think proper.

MEXICAN LAW OF 20TH MARCH, 1837.

ENTITLED

"*Provisional Regulation for the Interior Government of the Departments.*"

Of the Interior Government of the Departments.

Article 1. The Interior Government of the Departments shall be encharged to the Governors, Departmental *Juntas*, Prefects, Sub-Prefects, Ayuntamientos, Alcaldes, and Justices of the Peace.

Of the Governors.

Art. 2. In each Department there shall be a Governor appointed by the President of the Republic upon the ternary nomination of the respective Departmental Junta, without being restricted to such nomination in the frontier Departments, and with power to return the same for once in the others.

Art. 3. His term of office, and the qualifications requisite in order to be elected are those set forth in the Sixth Constitutional Law.—It is the duty of the governors:

1. To take care for the preservation of public order in the Interior of the Department.

2. To dispose the military force which the laws concede to them for that purpose, and for want thereof, or the same being inadequate, to require that which may be necessary from the military commandant who shall not be authorized to refuse it.

3. To publish without delay, fulfill, and cause to be fulfilled the laws and decrees of Congress, and circulate them opportunely among the settlements of the Department.

4. To fulfill likewise, and cause to be fulfilled, the decrees and orders of the general government, and the dispositions of the Departmental *Junta*, the same being previously approved by Congress in the cases where it is necessary, according to the sixth Constitutional Law.

5. To transmit to the general government, with their remarks, all the dispositions of the Departmental junta.

6. To appoint the Prefects, approve the appointment of the sub-Prefects of the Department, confirm that of the Justices of the Peace, and remove any one of these functionaries, having previously heard the advice of the Departmental junta so far as regards the removal.

7. To appoint likewise those employés of the Department whose appointment is not entrusted to any other authority.

8. To suspend the employés of the Department for three months, and deprive them of half their salary for the same period.

9. To suspend the Ayuntamientos of the Department with the concurrence of the Departmental *junta*.

10. In case they should exercise either of the two preceding powers, they shall give immediate account to the general government in order that it may, according to its powers, determine as it may deem proper with respect to the suspension.

11. For just cause to grant to the employés of the government leave of absence from duty, for a period not exceeding two months in each year. If it should be for a longer time, it shall be requisite for the Governor to act with the concurrence of the Departmental *junta*.

12. To resolve executively (*Gubernativamente*) (1) and without ulterior recourse, the doubts that may occur in regard to the election of Ayuntamientos, and to accept or not the resignation of the members thereof.

13. To exercise in union with the Departmental junta, with the casting vote in case of an equal division, the power of exclusion spoken of in article 12, attribution 17, and article 22, attribution 8th of the *fifth* Constitutional Law.*

14. To incite the tribunals and judges to the most prompt and upright administration of justice, making known to the Superior authorities the faults of the inferior.

15. To watch over the offices of the Departmental treasury in the mode which the law shall provide.

16. To take care for the public health of the Department, adopting with the concurrence of the *junta* the measures suitable for its preservation. In case of an epidemic, they shall report immediately to the general government, to the end that the latter may likewise report to Congress, and that the necessary recources may be provided.

17. Vigilantly to observe, and see that the conscriptions for the army are regulated according to the laws in force, and to dictate with the concurrence of the junta whatever measures he may deem suitable, in order that in the execution of the former, all vexation and disorder may be avoided.

18. To take especial care that primary schools be not wanting in any of the towns of the Department, and that in the masters and mistresses there be united to the soundest morality and good conduct, the competent aptitude considering the circumstances of the place.

Art. 4. They shall have power to impose executively, and without ulterior recourse, fines to the amount of two hundred dollars, which shall be paid into the fund of *propios* and *arbitrios*† of the place to

---

NOTE 1. *Gubernativamente*—adverb derived from gobierno, (*government*) and used to designate that mode of action which by the fundamental law is within the province of the *government* or Executive Department as contradistinguished from the legislative and the Judiciary.

Gobierno. The Executive Department.

*The seven chapters of the Constitution of 1836 are respectively denominated the 1st, 2d, 3d, 4th, 5th, 6th and 7th Constitutional Laws.

† The funds, property or resources out of which or from the income of which municipal expenses are to be paid.

which the offender belongs; or to sentence to the public works for a period not more than one month, or double the time of arrest, the inhabitants of the Department who disobey them or fail in respect, or who in any manner disturb the public tranquility, regulating their proceeding according to the circumstances of the individuals and hearing them summarily and verbally whenever they may demand it. But with regard to offences which have penalties affixed to them by law, the dispositions in force shall be observed.

Art. 5. They shall hear the complaints against the functionaries of the Departmental Government, and may impose upon them executively fines to the amount of fifty dollars, which shall be applied to the same fund of *propios* and *arbitrios*, for offences cognizable by the Government; but they shall likewise hear them summarily and verbally in case that they demand it.

Art. 6. They shall have power to commit vagrants, idlers and persons without any known employment, for the time that may be requisite for their reform, to the establishments dedicated to that purpose, or to the workshops or farms where they may be received voluntarily, it being left to the option of the person committed to choose between the workshop and the field.(1)

Art. 7. Whenever the public tranquility shall exact it, they shall have power to issue an order in writing to search specified houses and for the arrest of any person whomsoever. They shall without this requisite direct the arrest of offenders caught in the act, (*infraganti*) but in both cases placing the parties arrested within three days at the disposition of the competent judge, to whom they shall make known in writing the cause of the arrest.

Art. 8. On the previous report of the Prefects and having heard the advice of the Departmental *junta*, they shall have power to grant to the Ayuntamientos or authorities charged with the administration and management of the municipal funds, license for such extraordinary expenses as may be destined for objects of necessity or general utility.

Art. 9. In cases of necessity or for reasons of public convenience, they shall have power with the previous consent of the Departmental *junta* to grant license to the aforesaid authorities to alienate any portion of the property of *propios* and *arbitrios*;(2) and any cession, donation or contract whatsoever, made without this requisite, shall be null and void.

---

(1) See post., Art. 69.

(2) See ante, Art. 4, note.

Art. 10. They shall issue the proper commissions to those employees who, according to the laws, are subject to their appointment.

Art 11. They shall use the full signature in the publication of laws and decrees, in the municipal ordinances of the Ayuntamientos, in the regulations of the interior police of the Department, in the commissions which they may issue, in the correspondence with the High powers of the nation, with the Departmental *juntas*, the Supreme tribunals, the Governors of the Departments, the Most Reverend Archbishops, the Right Reverend Bishops, the Ecclesiastical *Cabildos*, Provisors and Commandant Generals. In other affairs it will suffice for them to place the *media firma* (half signature or the surname simply).

Art. 12. In public assemblies, they shall take precedence of all the authorities of the Department.

Art. 13. They shall likewise preside over the Departmental *juntas* whenever they may attend at their sessions, but they shall have no vote except in case of an equal division, and in those cases where the Constitution grants it or the laws shall hereafter grant it to them.

Art. 14. If on any occasion they shall happen to be in any one of the towns of the Department, they shall have power to preside, without the right to vote at the sessions of the Ayuntamiento.

Art. 15. They shall appoint the Secretary of the Departmental Government and remove him at pleasure, but they are not empowered to elect either to this office or to that of Prefect, any public employee, without previous consent of the authority that appointed him.

Art. 16. Their ordinary residence shall be in the capital of the Department, and to remove therefrom they must have permission from the President of the Republic or from the Departmental *junta*, if the absence should be for only a few days or the occasion therefor very grave and urgent, so that they cannot apply to the General Government.

Art. 17. They shall be the ordinary channel of communication between the Supreme powers of the nation and the Departmental *juntas* and between the latter and the authorities of the Department.

Art. 18. The Governors as well proprietaries, as *ad interim*, shall be entitled to the address of *Excellency* in all that relates to their office.

Art. 19. The Government, upon hearing the advice of the respective Departments' *junta*, and with the concurrence of the Council, shall propose to Congress the salary for each one of the Governors, taking into consideration the particular circumstances of the Departments, *provided* that the said salary shall not exceed five thousand dollars a year.

Art. 20. In case of a temporary vacancy in the office of Governor, one shall be appointed *ad interim* in the same manner as the proprietary, and he shall possess the same qualifications. Whenever the vacancy shall be of short duration, and also during the interval from the cessation of the proprietary until the appointment *ad interim*, the oldest secular member of the Departmental *junta* shall be encharged with the government.

Art. 21. The Governors, on entering upon the duties of their office, shall take an oath before the Departmental *junta*, to be administered by the presiding officer thereof, to observe the Constitutional laws and cause them to be observed, and faithfully to fulfill the obligations of their charge, they being responsible for the infractions which they may commit or may fail to prevent.

Of the Secretaryships of the Departmental Government.

Art. 22. In each Department there shall be a Secretary's office (*Secretaria*) for the despatch of the business of its interior Government.

Art. 23. The Governors upon hearing the respective Secretaries shall propose to the President of the Republic the number of dependents which they may judge indispensable for the proper service of the Secretaries' offices, and the compensation which, in their opinion, they ought to receive.

Art. 24. The President shall hear upon the subject the respective Departmental *junta* and the Council, and with their *informe* (report or information) they shall transmit the *expediente* (record of the proceeding) to Congress for its resolution.

Art. 25. In the meantime, until the Legislative body shall decide as it may deem proper, the President, with the concurrence of the Council, shall have power to approve *ad interim* in the terms which, to him, may seem meet, the list of employés and their compensation.

Art. 26. In the provision for employments in the Secretary's office, the claims of incumbents serving at the time of the adoption of the regulation shall be respected.

Art. 27. In defect of the latter, or because they are absolutely unworthy of the confidence of their respective Governors, other persons may be proposed; but in the latter case, those who enjoy a pension or salary from the public Treasury, if they possess the requisite fitness, shall indispensably be preferred.

Art. 28. The Secretary shall be the immediate chief of the office, and shall form a regulation for the interior Government thereof, which he shall pass over to the Governor in order that he may approve or modify it as he may deem most proper.

Art. 29. The Secretary shall attest with the full signature the publication and circulation of the laws, the decrees and orders of the supreme powers, the dispositions of the Departmental junta, the municipal ordinances of the Ayuntamientos, the regulations of the interior police of the Department, and the commissions or dispatches which the Governor may issue.

Art. 30. He shall conduct under his signature the correspondence of the Governor with the inferior authorities, restricting himself to the points which may be given him under *rubrica*, and he shall be responsible whenever he shall go beyond them.

Art. 31. He shall likewise be responsible for the loss of the *expedientes*, laws, decrees, orders, and other papers, which ought to be found in the Secretary's office.

Art. 32. He, as well as his subalterns, shall attend every day at the office; with respect to holidays, (*feriados*) whatever the interior regulation may dispose, shall be observed. He shall take care that the subalterns comply faithfully with their respective obligations, and discharge whatever the said regulation may commit to their care.

Art. 33. Neither the Secretary, nor the dependents of his office, shall have the right to demand or accept any fee or emolument for the despatch of any class of business, but there shall be collected from the parties interested the value of the stamped paper, upon which, according to the laws, the documents ought to be drawn up.

Art. 34. He shall be entitled to the address of *Honorable* in all that pertains to his office.

Art. 35. Each one of the Governors shall propose to the President of the Republic the salary which, in their judgment, the Secretaries ought to enjoy, but the amount shall not exceed two thousand five hundred dollars a year.

Art. 36. The President shall hear the Council, and the respective Departmental *junta*, and with their *informe* shall transmit the *expediente* to Congress for its resolution, having power in the meantime, with the concurrence of the Council, to allow the compensation which he may deem just.

Art. 37. To be Secretary, it is requisite to be a Mexican citizen in the exercise of his rights, over twenty-five years of age, and of the secular State.

Art. 38. The Secretary, upon entering into office, shall take an oath before the Departmental *junta*, to be administered by the Governor, to observe the Constitutional Laws, and cause them to be observed, and faithfully to fulfill the obligations of his charge, being responsible for the infractions which they commit, or fail to prevent.

Of the Departmental Juntas.

Art. 39. In each Department there shall be a *junta*, which shall be called *Departmental*, composed of seven individuals.

Art. 40. These shall be elected by the same electors who are to choose the Deputies to Congress, the election to take place indispensably on the day following that on which the Deputies shall have been elected.

Art. 41. There shall likewise be elected seven *suplentes*, in the same manner as the *proprietaries*, and who, in the order of their appointment, shall fill the places of the latter in case of death or legal disqualification recognized by the *junta*, with the concurrence of the Governor.

Art. 42. The Departmental *juntas* shall be wholly renewed every four years, and commence the exercise of their functions on the first day of January next succeeding their election.

Art. 43. Their election shall be decided by the retiring *juntas*, with the concurrence of the Governor, and subject to what the Senate may afterwards resolve, to whom immediate report shall be made, without prejudice to the (existing) possession.

Art. 44. In order to be a member of the Departmental *junta*, the same qualifications are requisite as for a Deputy (in the general Congress).

Art. 45. It belongs to the Departmental *juntas*:

1. To take the *initiative* (*iniciar*) of laws relative to imposts, public education, industry, commerce, municipal administration, and constitutional changes, conformably with Article 26 of the 3d *Constitutional Law*.

2. To make up the reports of which Article 28 of the same law treats.

3. To establish primary schools in all the towns of their Department, endowing them sufficiently from the funds of *propios* and *arbitrios* where such exist, and imposing moderate contributions where they are wanting.

4. To provide for the opening and repair of the interior roads of the Department, establishing moderate tolls to cover the cost thereof.

5. To dictate all the dispositions proper for the preservation and improvement of establishments of public instruction and beneficence, and those having for their object the promotion of agriculture, industry and commerce; but if such dispositions should in any manner impose burdens upon the *pueblos* of the Department, they shall not be put into execution without the previous approval of Congress.

6. To promote through the agency of the Governor whatever may be proper for the prosperity of the Department in all branches, and the welfare of the *pueblos*.

7. To frame, in conjunction with the Governor, the municipal ordinances of the *Ayuntamientos* and the regulations of interior police of the Department. These ordinances, the dispositions dictated in pursuance of faculties third and fourth, and those which, according to the 5th, do not require a previous approval, may be carried into effect at once, subject, however, to what Congress shall afterwards resolve thereupon.

8. To examine and approve the accounts which are to be rendered of the collection and management of *propios* and *arbitrios*.(1)

9. To advise the Governor on all subjects when he may require it.

10. To incite the Supreme Conservative Power to pronounce when the President of the Republic ought, under the circumstances, to change the whole Ministry for the good of the nation.

11. To verify the elections of the President of the Republic, Mem-

---

1. See ante Art. 4 and 9, and note —.

bers of the Supreme Conservative Power, Senators and Members of the Supreme Court of Justice, and Court Martial, as is provided in the respective Constitutional Laws.

12. To propose to the General Government three candidates (*terna*) for the appointment of Governor, verifying the same for the first time within eight days after this law shall have been published in the Capital of the Department.

13. To exercise, jointly with the Governor, the power of exclusion spoken of in Articles 12 and 22, of the *fifth* Constitutional Law, in the appointment of the magistrates and judges.

14. To make up and transmit annually to the General Government the statistics of their Department, with the observations which they may deem convenient for the welfare and advancement of the Department.

15. To fix, with the concurrence of the Governor, and in view of the circumstances of the settlements, (*poblaciones*) the number of *Alcaldes*, *Regidores* and *Sindicos*, which each of the *Ayuntamientos* ought to have, provided that the first shall not exceed six; the second, twelve; and the last, two.

16. To report to the Governor, and likewise to the President of the Republic, the abuses which they may have noted in the administration of the public revenues, without, however, under pretext of this charge, intermeddling in the functions of the respective employés.

Art. 46. Each junta shall frame a regulation for its interior government.

Art. 47. In order that there be a junta it is necessary that there be present four of its members at least.

Art. 48. The communications of the junta shall be signed by the oldest *vocal* present and by the Secretary.

Art. 49. Each one of the members of the juntas shall be responsible for any opinion which they shall give to the Governor against express law, especially if it be a Constitutional law, or by means of bribery or subornation.

Art. 50. The juntas shall have the official address of Excellency, the members thereof that of Honorable, and they shall receive a compensation of fifteen hundred dollars a year.

Art. 51. Each one of the *vocales* of the juntas shall take an oath to be administered by the Governor, and before the junta if that body be organised, to observe the Constitutional laws and cause them to be observed, and faithfully to fulfill the obligations of his charge, being responsible for the infractions which they commit or neglect to prevent.

Art. 52. Each junta shall have a Secretaryship composed of one Secretary and two subalterns, appointed by the Corporation itself, by absolute plurality of votes.

Art. 53. Each one of the juntas shall propose to the President of the Republic the salaries which in its opinion the dependents of their Secretaries' offices ought to enjoy, provided that the salary of the Secretary shall not exceed twelve hundred dollars a year.

Art. 54. The President shall consult the Council upon the subject, and with its *informe* shall transmit the *expedients* to Congress for its resolution, proceeding in the mean time until the latter shall decide in conformity with the provisions of the 36th Article of this law.

Art. 55. The individuals who may be employed in these situations shall be chosen indispensably from among those who are in the enjoyment of a salary or pension from the public treasury, whenever there shall be found in them the necessary fitness.

Art. 56. The Secretary shall be the immediate chief of the office, shall frame a regulation for its interior government, which he shall pass over for the examination and approval of the junta, and shall be responsible for the loss of the *expedientes*, laws, decrees, orders and other papers which ought to be found in the Secretary's office.

Art. 57. In order to be Secretary it is necessary to be a Mexican citizen in the exercise of his rights, over twenty-five years of age.

Art. 58. The Secretary, upon entering upon the exercise of his office, shall take an oath before the Departmental junta, to be administered by the presiding officer thereof, to observe the Constitutional laws and cause them to be observed, and faithfully to fulfill the obligations of his employment, being responsible for the infractions which he commits or neglects to prevent.

Art. 59. Restrictions upon the Governors and Departmental juntas:—

1. Neither under the name of *arbitrio* nor any other whatsoever shall they have power to impose contributions, except in the cases which the Sixth Constitutional law expresses, nor to appropriate them to any other objects than those designated by the same law.

2. They shall not have power to adopt any measure for the raising

of an armed force except in case that they shall be thereunto expressly authorized by the laws, or that they shall be ordered so to do by the General Government.

3. They shall not be authorized to exercise any other powers than those which the aforesaid law (the Sixth Constitutional law) assigns to them, the contravention of this and the two preceding subdivisions of this Article being occasion for the strictest responsibility.

Art. 60. The members of the Departmental juntas shall not have power to resign their offices except for legal cause, sanctioned by the junta itself, with the concurrence of the Governor.

Of the Prefects.

Art. 61. In each capital of a District there shall be a Prefect appointed by the Governor and confirmed by the General Government; he shall continue four years in office and may be reappointed.

Art. 62. To be Prefect it is requisite: to be a Mexican citizen in the exercise of his rights: a native or resident citizen of the Department, over thirty years of age, and to possess a capital, physical or moral, which shall yield him a thousand dollars a year at least.

Art. 63. It belongs to the Prefects:

1. To take care of public order and tranquility in their District, with entire subjection to the Governor.

2. To publish without delay, fulfill and cause to be fulfilled, the laws and decrees of Congress which they may receive from the Governor, and circulate them opportunely among the settlements of the District through the agency of the Sub-Prefects, from whom they shall exact a corresponding receipt.

3. To fulfill, and cause to be fulfilled the decrees and orders of the General Government, the dispositions of the Departmental junta, and of the respective Governor.

Art. 64. In order to exercise the preceding attributions they shall have power to impose executively (*gubernativamente*) in their District, fines to the amount of one hundred dollars, which shall be applied to the fund of *propios* and *arbitrios* of the place to which the person fined belongs, or to sentence to the public works for a period not more than fifteen days, or to arrest for double that period, those who shall disobey and be wanting in respect to them, or who in any other manner disturb the public tranquility, regulating their proceeding according to the circumstances of the individuals, and hearing them summaally and verbally in case that they shall demand it. But with respect to offences which shall have a punishment established by law, the dispositions in force shall be observed.

Art. 65. They shall hear complaints against the functionaries of the government of the District, and shall have power to impose on them executively (*gubernativamente*) fines to the amount of thirty dollars, which shall be applied to the fund of *propios* and *arbitrios* of the place of residence of the person fined, for offences cognizable by the government, but if in their judgment they ought to be suspended, they shall report to the Governor in order that he may determine that which may be proper.

Art. 66. They shall decide executively (*gubernativamente*) the doubts that may occur respecting the elections of Ayuntamientos, and shall accept or not, the resignation of the members thereof, and of the Justices of the Peace, provided that by the power hereby granted the parties interested shall not be prevented from having recourse directly to the Governor.

Art. 67. If any person should conceive himself aggrieved in the cases mentioned in the three preceding articles, he shall have the right to appeal to the Governor, who, without admitting further recourse, shall decide as he may deem just.

Art. 68. Whenever the public tranquility, or the proof of any crime shall exact it, they shall have power to issue their order in writing to search specified houses or to arrest any person whomsoever. They shall without this requisite, order the offender (*infraganti*) to be secured, and in both cases, placing the party arrested within three days at the disposition of the competent judge, to whom they shall make known in writing the cause of the arrest.

Art. 69. With the previous consent of the Governor, they shall have power to commit vagrants, idlers, and persons without any known employment, for the time that may be requisite for their reform to the establishments dedicated to that purpose, or to the workshops or farms where they may be received voluntarily, it being left to the option of the person committed to choose between the workshop and the field.[1]

Art. 70. They shall incite the tribunals to the most prompt and upright administration of justice, advising the Governor of the defects which they may note in the judges, but without intermeddling in their functions.(1)

---

[1] See *ante* Art. 6.

Art. 71. They shall give the utmost attention to see that primary schools be not wanting in any of the *pueblos* of the District, and that the children attend them with all possible punctuality.(2)

Art. 72. They shall take the most scrupulous care to see that the masters and mistresses unite to the qualities of good conduct and the soundest morality, the necessary aptitude considering the circumstances of the place.

Art. 73. If the want of funds should prevent the establishment of schools, they shall apply to the Governor, in order that he may apply also to the Departmental junta.(3)

Art. 74. They shall grant to minors license to marry in the terms and cases as practised by the Presidents of the *Chancillerias*, in pursuance of the *cedulas* of 10th April, 1803;* and if any person shall conceive himself aggrieved by their decision, he shall have the right to appeal to the Governor, if that recourse be interposed before the Prefect within eight days, so that he may transmit it to that functionary, the decision of the Prefect being suspended in the meantime.

Art. 75. The preceding authority granted to the Prefects shall not prevent the parties interested from applying directly to the Governor; and in such case, as well as in that specified in the second part of the preceding Article, this functionary shall consult the junta in granting or refusing the license.

Art. 76. They shall propose to the Governor whatever measures they may deem suitable for the promotion of agriculture and all branches of industry, public instruction and beneficence, and for the execution of new works of general utility and the repair of old ones.

Art. 77. They shall regulate (*arreglarán*) executively (*gubernativamente*) and conformably with the laws, the distribution (*repartimiento*) of common lands (*tierras comunes*) in the *pueblos* of the District, whenever there is no litigation pending in the tribunals respecting them, saving to the parties interested their right to appeal to the Governor, who, with the concurrence of the Departmental junta, and without ulterior recourse, shall decide as may be most proper. [Consult Nov. R. lib. 7, Tit. 22, l. 3, N. 12, 13, 22; ib. l. 4, 5, 7, (n. 5). L. 8, N. 6, 7, 10; also, all of Tit. 25th; also, Recop. of Indies, lib. 4, T. 12, l. 1, 2, 3, 5, 6, 7, 8, 10; and Tit. 17, l. 5, 6, 7, 8 and 9; Decree of 13th Mar., 1811; Decree of 4th Jan., 1813; 4th June, 1823, and decrees of same year, 1823, of date 19th July, Art. 9; 6th Aug., Art. 3; 18th Sept.; 14th Oct., Art. 7; 18th Apr., 1828, Art. 1 and 2.]

---

(1) See *ante*, Art. 3, Sub. 14.

(2) See *ante*, Art. 3, Sub. 15.

(3) See *ante*, Art. 39, Sub. 3.

* This license is an order overruling the objections of parents and authorising the marriage without their consent.

Art. 78. They shall take especial care for the preservation of vaccine matter, and to secure the propagation thereof.*

Art. 79. They shall require the Sub-Prefects, Ayuntamientos and Justices of the Peace to comply faithfully with their respective obligations, and see that they do not exceed their authority.(1)

Art. 80. In the administration and management of the funds of *propios* and *arbitrios* of the *pueblos*, they shall exercise the supervision which the ordinances of Ayuntamientos may confer upon them.(2)

Art. 81. The same ordinances shall specify the management and supervision, which the Prefects are to exercise with respect to the same class of property, when there is no Ayuntamiento in the Capital of the District.

Art. 82. They shall appoint the Sub-Prefects, promptly transmitting such appointment to the Governor, in order that he may approve it.

Art. 83. If, in consequence of the loss of the mail, or any other cause, the Governor's reply shall not have arrived in time, the person appointed shall enter upon the duties of his office on the first of January of the year when the periodical renovation is to take place, without prejudice to what that functionary may resolve.

Art. 84. They shall likewise appoint the Justices of the Peace of the District, upon the nomination of the Sub-Prefects of the respective *partidos*, observing what is provided in the two preceding Articles.(3)

---

* See Constitution of the State of Mexico, Art. 155, Attrib. 8.

(1) See post, Art. 134.

(2) See *ante*, Art. 45, Subs. 8 and 9; also, Arts. 4, 9.

(3) See post, Art. 116.

Art. 85. The Prefects, in those *partidos* where there is no Sub-Prefect, shall exercise all the attributions which are granted to the latter functionary.

Art. 86. The Prefects shall communicate their appointment to the new Sub-Prefects by means of an official note, whereof they shall transmit a copy to those who are about to retire, in order that they may communicate it officially to the authorities of the *partido*.

Art. 87. In the same manner, the appointment of the new Justices of the Peace shall be communicated to those going out of office, in order that the latter may make it known to those whom it may concern.

Art. 88. They shall take care that the conscriptions of the army be regulated according to the laws in force, and shall take such measures as may be within their power to avoid every disorder in the execution thereof.

Art. 89. They shall prescribe the necessary measures for the supply of beasts of burden, quarters and other provisions, which are to be furnished to the troops, governing themselves by the legal provisions remaining in force.

Art. 90. They shall require from the Military Commandant the necessary force for the preservation or re-establishment of public tranquility, and for the security of the roads.

Art. 91. They shall take measures to the end that the scattered inhabitants of the country live in towns.

Art. 92. The Prefects, upon entering into office, shall receive by inventory all the *expedientes*, laws, decrees, orders, and other papers belonging to the Prefecturo, and in the same manner shall deliver them to their successors, being responsible for the loss of the said documents.

Art. 93. They shall visit their districts, without becoming burdensome to the towns, once at least during the four years, during which their term of office is to continue; and making up a circumstantial *expediente* of their visit, shall remit the same with their *informe* to the Governor, having power to adopt on their own authority the convenient measures, within the compass of their authority, to correct the abuses which they may have noted.

Art. 94. In public assemblies, they shall take precedence of all the authorities of the District.

Art. 95. They shall have the right to preside, without vote, over the Ayuntamiento of the Capital, or any other of the towns of the District, but they shall decide in the case of a tie vote.

Art. 96. They shall be the ordinary channel of communication between the Governor and the subaltern authorities of the district, and any application of the latter to the former must be accompanied with their *informe*.

Art. 97. They shall ordinarily reside in the Capital of the district, unless under special circumstances, or for a limited time, the Governor, with the concurrence of the Departmental junta shall otherwise order, and they shall not depart beyond the limits of their district without express permission of the Governor.

Art. 98. Whenever they may think proper, they shall consult with any learned judge of the Capital of the district, who shall be under obligation to give his advice.

Art. 99. They shall have the official address of Honorable.

Art. 100. In the years 1837 and 1838 the temporary vacancy in the Prefect's office shall be supplied by the *ex* Alcalde or Alcaldes, in the order of their respective Capitals of the district, commencing with those of the year last past. In future, if there be no Ayuntamiento, such vacancies shall be supplied in the same order by the justice or justices of the peace of the preceding year.

Art. 101. Each Governor, with the concurrence of the Departmental junta, and taking into consideration the various circumstances of the districts, shall propose to the President of the Republic the salary which each of the Prefects ought to receive, *provided* that the same shall not exceed twenty-five hundred dollars a year.

Art. 102. The recommendation of which the preceding article speaks having been made, the President shall observe what is provided in Article 86.

Aat. 103. Each Prefect shall have a Secretary to be by him appointed and removed at pleasure, and he shall receive a salary of seven hundred dollars a year.

Art. 104. Neither the Prefects nor their Secretaries shall demand or receive any fee or emolument for any class of business; bu they shall collect from the parties interested the value of the stamped paper upon which according to law the document should be drawn up.

Art. 105. The Prefects upon entering upon the execution of their office shall take an oath before the Ayuntamiento of the Capital of their district, and if no such body exist, then before the Justice of the Peace, or the first appointed, if there be several, to observe the Constitutional laws and cause them to be observed, and faithfully to fulfill the duties of their office, they being responsible for the infractions which they commit or neglect to prevent.

Art. 106. The Secretaries shall take a similar oath before their respective Prefects.

Of the Sub-Prefects.

Art. 107. In each Capital of *Partido*, with the exception of that which is the Capital of the district, there shall be a sub-Prefect, to be appointed by the Prefect and approved by the Governor; he shall hold his office for two years, and may be re-appointed.

Art. 108. To be Sub-Prefect, it is requisite: to be a Mexican citizen in the exercise of his rights, a resident citizen of the Capital of the Partido, over twenty-five years of age, and to possess a capital physical or moral, which produces five hundred dollars a year at least.

Art. 109. The Sub-Prefects shall have in their respective *Partido*, and with entire subjection to the Governor, through the medium of the Prefect, the same powers and obligations which are granted to the latter by Articles 68, 68, 70, 71, 72, 73, 76, 78, 79, 80, 81, 88, 89, 90, 91, 92, 94, 95, 98 and 104.

Art. 110. The faculty conferred upon the Prefects by Article 74, and which likewise belongs to the Sub-Prefects in their respective *partido*, shall not prevent the parties interested applying directly to the former functionaries or to the Governor of the Department.

Art. 111. If any party shall conceive himself aggrieved in a case where the Sub-Prefect shall exercise the power granted in Article 74, he shall have the right to apply to the respective Prefect, who with the advice of an *asesor*, and without ulterior recourse shall decide as he may deem just.

Art. 112. They shall moreover have power to impose executively in their *partido*, fines to the amount of fifty dollars, which shall be applied to the fund of *propios* and *arbitrios* of the place where the person mulcted belongs, or to commit to the public works for not more than eight days, or arrest for double that period, those who disobey, or who may be wanting in respect towards them, or who in any other manner disturb the public tranquility, governing themselves accordiug to the circumstances of the individuals, and hearing them summarily and verbally in case that they shall demand it. But with respect to offences which have a penalty affixed to them by law, the legal dispositions in force shall be observed.

Art. 113. They shall hear complaints against the functionaries of the government of the *partido*, and shall have power to impose on them executively fines to the amount of twenty dollars, which shall be applied to the fund of *propios* and *arbitrios* of the place of residence of the person fined, for offences cognizable by government; but in case they shall judge that they ought to be suspended, they shall report to the Prefect in order that he may do so to the Governor, who shall determine as he may deem just.

Art. 114. If any person should conceive himself aggrieved in the case mentioned in the two preceding Articles, he shall have the right to apply to the Prefect, who, without ulterior recourse, shall determine as he may deem just.

Art. 115. They shall have a right to visit the settlements of the partido without burdening the residents in any manner, and while they shall propose to the Prefect whatever measures they may deem conducive to the welfare of the *Pueblos*; they shall on their own authority take such steps as may be within the sphere of their powers.

Art. 116. For the appointments of Justices of the Peace, they shall seasonably propose to the Prefects such individuals as they may deem most fit to serve in these offices, and if the reply of those functionaries shall not arrive in due time, they shall notwithstanding put the first proposed in possession of the office, without prejudice to the resolution of the Prefect.(1)

Art. 117. They shall be the ordinary channel of communication between the Prefect and the subordinate authorities of the *partido*.

Art. 118. Temporary vacancies in the offices of the Sub-Prefect shall be supplied respectively in the same manner as those in the office of Prefect.

Art. 119. The Sub-Prefects shall not receive any salary, but they shall be allowed the sum of three hundred and sixty-five dollars a year for office expenses and clerk.

Art. 120. The Sub-Prefectures are a municipal charge which cannot be declined except for legal cause, approved by the Governor, upon the previous *informe* of the respective Prefect, or in case of a re-appointment before the intermediation of two years, and they may likewise decline the office whenever the same period of time shall not have elapsed after having been Alcalde, *regidor*, *sindico*, or Justice of the Peace.

---

(1) See *ante*, Art. 64.

Art. 121. The Sub-Prefects, upon entering upon the duties of their office, shall take an oath before the Ayuntamiento of the Capital of the Partido, or in case there be no Ayuntamiento, before the Justice of the Peace, or the first appointed, in case there be several, to observe the Constitutional laws and cause them to be observed, and faithfully to execute the duties of their office, they being responsible for the infractions which they may commit or neglect to prevent.

Of the Ayuntamientos.

Art. 122. There shall be an Ayuntamiento in the Capitals of Department, in the places where they existed in the year 1808; in seaports whose population amounts to 4,000 souls, and in the *Pueblos*, which by themselves without their district (*Comarca*) contain eight thousand inhabitants.

Art. 123. In order that there be an Ayuntamiento, the attendance of a majority of its members is necessary.

Art. 124. The territory (Comarca) of each Ayuntamiento shall be co-extensive with that of parishes; but if in one and the same town (*poblacion*) there should be two or more parishes, the territory of the Ayuntamiento shall comprehend them all.

Art. 125. The number of Alcaldes, regidores, and sindicos, shall be fixed by the respective Departmental *juntas* with the concurrence of the Governor, *provided* that the first shall not exceed six, the second twelve, and the last two.

Art. 126. In order to be a member of the Ayuntamiento it is necessary to be a Mexican citizen in the exercise of his rights, a resident citizen (*vecino*) of the *pueblo* itself; over twenty-five years of age; and to have a capital, physical or moral, which yields at least five hundred dollars a year.

Art. 127. The Alcaldes shall be renewed every year; likewise one half only of the *regidores*, and so with the sindicos, if there be two, the oldest retiring. If there be only one, he shall be replaced every year.

Art. 128. The Alcaldes, regidores and sindicos may be re-elected indefinitely, and no person can refuse to serve in these offices, except for legal cause, approved by the Governor or Prefect, or in case of re-election before the lapse of two years, or election before the lapse of the same period after having served any other municipal charge, or in the office of Sub-Prefect, or Justice of the Peace.

Art. 129. In case of the death or inability to serve of any member of the Ayuntamiento, the electoral *junta* shall be re-assembled to elect a person to fill his place, unless it be within three months of the end of the year, in which case the periodical renovation shall be waited for.

Art. 130. If the newly elected person be an Alcalde, he shall take the place of the person whose place was vacant, if a *regidor* or sindico, he shall take the place of the youngest in office, the rest ascending in the order of appointment, until reaching the place that is vacant.

Art. 131. In case of the suspension of the whole or a part of the Ayuntamiento, that of the last preceding year, or the corresponding portion thereof, shall act.

Art. 132. The following persons cannot be members of the Ayuntamientos: Officers appointed by Congress, by the General Government, or by the government of the Departments; the magistrates of the Supreme tribunals of the Departments, the learned Judges of First instance; Ecclesiastics; persons who individually or in a corporate capacity are charged with the direction or promotion of hospitals, houses of refuge, or any other class of establishments of public charity.

Art. 133. The preceding article does not comprehend the officials appointed by the General or Departmental Government, who are not domiciled in the place of official destination for which they were appointed, nor to retired soldiers, who have their place of residence in the city, *villa*, or *Pueblo*, of the Ayuntamiento, if they do not live by means of pension or exclusively thereby, but by means of some other property, occupation or trade.

Of the Attributions of the Ayuntamientos.

Art. 134. The Ayuntamientos in subjection to the Sub-Prefect, and through him to the Prefect and Governor, are charged with the polity of health, convenience, ornament, order and security within the limits of their territory (*terminos de su comarca*).

Art. 135. They shall accordingly provide for the cleanliness of the streets, market-places and public squares.

Art. 136. They shall see that in every *Pueblo* there be a cemetery or cemeteries conveniently situated.

Art. 137. They shall watch over the quality of all kinds of meats and drinks, to the end that those which are unhealthy or tainted be not sold.

Art. 138. They shall take care that in the apothecaries' shops, rancid or adulterated drugs be not sold, for which purpose they shall have power to appoint intelligent persons of the faculty to inspect them.

Art. 139. They shall see that marshes are drained, that stagnant and unhealthy waters are made to run off, and that everything is removed that can injure the health of man or beast.

Art. 140. They shall likewise take care of the prisons, hospitals and establishments of public charity which are not of private foundation.

Art. 141. As soon as any prevailing disease is observed in the territory of the municipality, the Ayuntamiento shall inform the Sub-Prefect, or, if there be no Sub-Prefect, then the Prefect, in order that through his means the necessary aids be supplied; but this will not prevent the Ayuntamiento from promptly adopting, on their own authority, the measures suitable to cut short or restrain the evil in its commencement.

Art. 142. With this laudable object, they shall appoint a *junta* of charity, composed of one *Regidor* or Alcalde, one Sindico, of the oldest parish priest, where there is more than one, a physician, if there be one in the place, and two citizens, having power to increase the number of the latter at the discretion of the Ayuntamiento, according to the extent of the settlement and duties to be performed.

Art. 143. The Ayuntamientos shall transmit semi-annually to the Sub-Prefect, or, if there be none, to the Prefect, in order that he may transmit the same to the Governor, a statement of the births, marriages and deaths, during each of these periods, which statement shall comprehend their whole territory, (*comarca*) expressing the sex, age, and the sickness of which they may have died, preserving a copy of this document in their archives.

Art. 144. In order to obtain these data, they shall have power to require them from the parish Curates, the Justices of the Peace, the municipality, and all persons and corporations capable of furnishing them.

Art. 145. In order to attend to the ornament and convenience of the *Pueblos*, they shall cause that the market-places be conveniently distributed, and take measures to remove every obstacle to their being adequately supplied.

Art. 146. They shall take care for the preservation of the public fountains, and see that there be an abundance of water for man and beast.

Art. 147. They shall likewise, as far as possible, see that the streets are straight, paved and lighted, and that there be public promenades, and abundant groves for the beauty and health of the town.

Art. 148. To them it is encharged to promote the construction and repair of bridges, causeways and roads, and the advancement of agriculture, industry, commerce, and whatever they may consider useful to the inhabitants.

Art. 149. At the intersection of several roads they shall place guide-boards, to indicate their respective directions and the distance to the nearest Pueblo.

Art. 150. It belongs to the Ayuntamientos to enter into contracts for all classes of diversions, the previous permission of the first local political authority being obtained therefor.

Art. 151. The proceeds of this class of contracts shall be paid into the fund of *propios* and *arbitrios*.

Art. 152. If the regulations of police and good government do not comprehend all the measures which the Ayuntamientos may esteem proper for the preservation of order, and the security of persons and their property, they shall recommend to the Governor such as they may judge convenient, to the end that, with the concurrence of the Departmental junta, those may be adopted which shall seem just.(1)

Art. 153. They shall take care that in all the *Pueblos*, especially in the capitals of the department, Districts and Partidos, there be a secure and commodious prison, wherein there shall be distinct apartments for persons arrested and detained (for examination) and for prisoners, and they shall take care that the second be usefully occupied.

---

(1) See ante, Art. 45, Sub. 7.

Art. 154. They shall take especial pains that in all the *Pueblos* primary schools be established, whose masters and mistresses shall be paid from the fund of *propios* and *arbitrios*, the Ayuntamientos exercising great circumspection, not only at the time of appointing them but ever afterwards, with regard to their good conduct and sound morality.

Art. 155. They shall distribute with all possible equality the municipal burdens which are imposed upon the citizens, (*vecinos*) where there are no funds of *propios* and *arbitrios* wherewith to defray the expense thereof, as the conveyance of messages, night-watches, beasts of burden, quarters and other supplies which are to be furnished to troops, governing themselves by the legal dispositions now in force, or which may hereafter be enacted.

Art. 156. They shall exercise a vigilance over the regulation of weights and measures conformably with the ordinances on the subject.

Art. 157. The Ayuntamientos and each one of the members thereof individually, whenever required by the Prefect, Sub-Prefect, and Alcaldes, shall give them aid in the execution of the laws, decrees, superior orders, and in the preservation of public order.

Art. 158. To their charge is committed the administration and appropriation of the revenues of *propios* and *arbitrios*, governing themselves by what is established in their ordinances, and in respect to expenses approved by the government.(1)

Art. 159. Within the first two months of the year they shall transmit to the Sub-Prefect, or if there be no Sub-Prefect, to the Prefect, to the end that the latter may transmit it to the Governor, an account with vouchers, of the total amount of their *propios* and *arbitrios*, and of the appropriation made of them during the preceding year.(2)

Art. 160. The funds of *propios* and *arbitrios* shall be placed in the custody of a person or persons whom the Ayuntamientos shall appoint under their responsibility.

Art. 161. The mal-administration of the funds of *propios* and arbitrios, and their appropriation to expenditures not designated in the ordinances of the Ayuntamientos, or which have not received the approval of the Government, involves the pecuniary and personal responsibility of each member of that body who may be culpable by his acts, or who may have consented thereto by his vote; but those who have not concurred shall be free from responsibility.(3)

---

(1) See ante, Arts. 8 and 9, Art. 45, Sub. 7, and Art. 152.

(2) See ante, Art. 445, Sub. 8.

Art. 162. The Ayuntamientos shall appoint at their pleasure a Secretary, assigning him, with the approval of the Governor, who shall act in concurrence with the Departmental junta, the salary which shall be deemed just; but he cannot be removed from his place without the like approval.

Art. 163. The municipal fund being insufficient for the compensation of the Secretary, the functions of that office shall be discharged by the *regidores*, alternating monthly; and there shall only be allowed them office expenses.

Art. 164. The members of the Ayuntamientos, upon entering on the execution of their offices, shall take the same oath as the other political authorities; the Alcalde, or the First, if there be two or more, before the Prefect or Sub-Prefect, and in defect of both, before the retiring Alcalde and the other members of the corporation;* and likewise the Justices of the Peace of the municipality before the Alcalde.

Art. 165. The Secretaries shall take the like oath before their respective Ayuntamientos.

Of the Alcaldes.

Art. 166. The Alcaldes in the places (*poblaciones*) of their ordinary residence shall take care for good order and public tranquillity.

Art. 167. They shall watch over the execution and fulfillment of the police regulations, and of the laws, decrees and orders which may be communicated to them by the Sub-Prefects, or by the Prefects where there is no Sub-Prefect, and shall duly circulate them among the Justices of the Peace of the municipality.

Art. 168. In order to attain the objects spoken of in the preceding Articles, they shall require from the Military Commandant the armed force which they may need.

---

(3) See ante, Arts. 8 and 9, Art. 45, Subs. 7, 8, Art. 152.

* See ante, Art. 52.

Art. 169. For want thereof, or in case the same be insufficient, and the citizens demand their aid for securing their persons and property when they are endangered, and in general for the prosecution of malefactors who may be encountered within the limits of their territory, (*demarcacion*) and to preserve public order, they shall call upon the citizens, who are under strict obligation to obey them as well as any other public authority.

Art. 170. They shall order the offender (*infraganti*) to be secured, placing him within three days at the disposition of the competent judge.

Art. 171. They shall see that the citizens, (*vecinos*) of the place (*poblacion*) subsist by useful occupations, and shall reprehend idlers, vagrants, persons without any fixed place of abode, or any known employment.

Art. 172. Upon those who, in consequence of drunkenness, or any other cause, disturb the public tranquility, or who disobey, or fail in respect for them, they shall have power to impose executively a fine to the amount of twenty-five dollars, which shall be paid into the fund of *propios* and *arbitrios*, or to condemn them for four days to the public works, or to cause them to be arrested for double that period, governing themselves according to the circumstances of the individuals, and giving them a hearing summarily and verbally in case that they demand it; but with respect to offenses which have a penalty affixed to them by law, the legal dispositions remaining in force shall be observed.

Art. 173. If any person should conceive himself aggrieved in the case mentioned in the preceding Article, he may apply to the immediate superior who, without allowing any further appeal, shall determine as he may think just.

Art. 174. They shall assist and vote at the sessions of the Ayuntamiento, and shall preside over them in the order of their appointment when neither the Prefect nor Sub-Prefect is present, their vote in such case being decisive.(1)

Art. 175. In public assemblies, they shall also take precedence of the Ayuntamientos, observing the same order.

Art. 176. Temporary vacancies in the office of Alcaldes shall be supplied by the regidores in the order of their election. The same shall also be practised in case of a permanent vacancy until the election of the person who is to fill it.

---

(1) See ante, Arts. 95 and 109.

Of the Justices of the Peace.

Art. 177. The Departmental junta, with the concurrence of the Governor, and the previous *informe* of the respective Prefects and Sub-Prefects, and taking into consideration the various circumstances of all the towns (*poblaciones*) of the Department, shall fix the number of Justices of the Peace that there ought to be in each of them, *provided* that they shall not neglect to establish them in every populous district (*barrio*) and *rancheria* distant from any town (*poblacion*).

Art. 178. To be a Justice of the Peace, it is requisite: to be a Mexican citizen in the exercise of his rights, a citizen (*vecino*) of the place, (*lugar*) and over twenty-five years of age.

Art. 179. The Justices of the Peace shall be appointed by the Prefect of the district, on the recommendation of the respective Sub-Prefect.

Art. 180. In every place (*lugar*) containing a thousand souls or more, the Justices of the Peace, under subjection to the Sub-Prefect and through him to the superior authorities, shall have the same powers (*facultades*) and obligations as the Ayuntamientos; but in the management and supervision of the funds of *propios* and *arbitrios* they shall restrict themselves to what is provided in the ordinances which are to be framed by the Departmental *juntas.*(1)

Art. 181. Likewise those Justices of the Peace, as well as those of the places (*lugares*) which do not contain a thousand souls, those of the *barrios* and *rancherias* distant from the towns (*poblaciones*) and those of the wards and districts (*cuarteles y barrios*) of every populous town, (*poblacion*) shall have the powers and obligations which are granted and imposed to and upon Alcaldes by Articles 166, 167, 168, 169, 170 and 171.

Art. 182. In the districts and rancherias distant from the *poblaciones*; and in the *pueblos* where only one Justice of the Peace is established, a *suplente* shall also be appointed, in the same manner as the proprietary, to fill the place of the latter during any temporary vacancy. In the other places, where there are several Justices of the Peace, they shall mutually assist each other, so that in the present year, 1837, they shall reciprocally supply such vacancies. In the future they shall be supplied by the Justices of the preceding years, according to the order of their appointment, commencing with the year last past.

---

(1) See ante, Art. 45, Sub. 7.

Art. 183. The Justices of the Peace of the places (*lugares*) where the Ayuntamientos are to cease shall receive, by an exact inventory, all the *expedientes*, books of acts and whatsoever else may have belonged to those corporations, and shall transmit a copy thereof to the Governor, in order that he shall pass it over to the Departmental *junta*.

Art. 184. Each of the Governors, with the concurrence of the Departmental junta, shall enact the proper measures adapted to secure the funds of *propios* and *arbitrios*, until the ordinances* shall fix the rules for the good management and appropriation thereof.

Art. 185. The office of Justice of the Peace is a municipal charge, and cannot be declined except for legal cause approved by the Governor or the Prefect, with the previous *informe* of the authority which nominated and appointed him, or, in case of re-election, where less than two years have elapsed; it may also be declined where the same period has not elapsed since having served in the Sub-Prefecture.

Art. 186. The Justices of the Peace, upon entering upon the execution of their offices, shall take, before the Sub-Prefect, and where that office is vacant, before the retiring Justice of the Peace, or the first appointed if there be several, the same oath as the other authorities.

Art. 187. The ordinary channels of communication established in this law shall not be departed from, except under extraordinary circumstances, or in case of complaint against any one of the functionaries through whom the communication has to be made.(1)

Art. 188. The franking privilege shall apply to the official correspondence of all the authorities mentioned in this law.

Art. 189. The fines imposed by the functionaries treated of in this law shall not be paid into their hands, but they shall order the delivery thereof to the treasurer or depositary of the funds of *propios* and *arbitrios*, who shall give the corresponding receipt, so that with it the person fined may satisfy the authority who imposed the fine.

---

* See ante, Art. 45, Sub. 7 and Art. 180.

(1) See ante, Arts. 17, 96, 117, 143, 159, 167.

Art. 190. If the persons elected to the offices of Governors, Members of the Departmental *juntas*, Prefects, and the employés in their Secretaries' offices, should be already in the enjoyment of salary or pension from the Public Treasury, exceeding the compensation designated in this law, they shall continue in the enjoyment thereof, and to that effect the excess shall be allowed them to such amount.

Art. 191. The laws heretofore in force, organizing the economical political government of the Departments, are abolished.

EXTRACTS FROM THE BASES ORGANICAS

Promulgated 13*th June*, 1843, *comprising nearly all of Title VII.*

By the Constitution of 1843, called the *Bases Organicas*, some changes are made in the organization of the Departmental governments, which will be noted in the following extract, so far as they are now important to be known:

In Articles 131, 132, and 133 it is provided that there shall be in each Deparment a Departmental Assembly, composed of not less than seven, nor more than eleven *Vocales*, who are to be elected for the term of four years.

Art. 134. The powers of the Departmental Assemblies are:

1. To establish *arbitrios* for their ordinary expenses, or to provide for such extraordinary expenditures as they may, within the scope of their powers, determine upon, with the approval of Congress, and without prejudice to carrying them into effect as soon as decreed. The President of the Republic shall have power to suspend the execution of these *arbitrios*, giving account to Congress without delay.

2. To regulate the appropriations and accounts of the Treasury of the Department.

3. To create the necessary employés for the collection and disbursement of the Departmental revenue, assigning them their compensation, and regulating their duties.

4. To create funds for the establishment of public instruction, utility, and beneficence, with the requisites designated in the first attribution.

5. To decree whatever may be convenient and conformable to the laws, with respect to the acquisition, alienation, and exchange of prop-

erty pertaining to the *comun* of the Department. With respect to alienation of lands, they shall observe the laws in force, or that which may be provided in the laws of Colonization.

6. To provide for the opening and repair of the roads of the Department, and to exercise a care for their preservation, establishing tolls to cover the cost thereof; this attribution being understood without prejudice to what may be provided by the laws respecting general roads.

7. To promote public instruction in all its branches, creating and endowing literary establishments, and subjecting them to the *bases* which Congress may give on the subject of preparatory studies, courses, examinations, and grades.

8. To create and regulate establishments of benevolence, correction, or security.

9. To regulate the contingent of men for the army which the Department ought to supply.

10. To make the political division of the territory of the Department, establish municipal corporations and functionaries, to frame their ordinances, and regulate the municipal, urban, and rural police.

11. To take care of the public health, and regulate whatever is proper to preserve it.

12. To promote agriculture, industry, and the other branches of prosperity, according to their faculties.

13. To approve the plans of municipal *arbitrios*, and the annual estimates for the expenses of the municipalities.

14. To establish and organize the superior tribunals and inferior courts, respecting the claims of the existing magistrates and judges, and regulating the exercise of their functions, without altering the order of proceeding established by law.

15. To present to Congress the initiative of laws in use of the power conferred upon them by Article 53.

16. To advise the Governor upon all subjects upon which he shall require it, and likewise upon those where they are required so to do by these *bases* and by the laws.

17. To propose to the Supreme Government a list of all the persons, not less than five, whom they may consider fit for the office of Governor. In the frontier Departments the government shall not be obliged to adhere to this list, and the same rule shall apply when, in any other

Department and in an extraordinary case, Congress shall so decree upon the *initiative* of the President.

18. To elect, in accordance with these *bases*, the President of the Republic, members of the Supreme Court of Justice, and Senators.

19. To decree the police force which there ought to be in the Department, and regulate its service, which shall be restricted to the preservation of order, the care of public security, and to aid the execution of the political and judicial authorities. This force shall not enjoy *fuero*,* and shall be distributed in the towns (*poblaciones*) according to their necessities.

Art. 135. The obligations of the Departmental Assemblies are:

1. To form annually the statistics of the Department, and transmit the same to the Supreme Government, with the observations which they may deem proper for the well-being and progress of the Department.

2. To form the annual estimates of the expenses of the Department, and transmit the same to the General Congress, in order that it may have them in view when revising the *arbitrios* which they may have established in order to provide for said expenses.

Of the Governors.

(The Governors are appointed by the President from among the names presented by the Departmental Assemblies, and hold office for five years.)

Art. 140. The obligations of the Governer are:

1. To take care for the preservation of public order in the interior of the Department.

2. To publish the laws and decrees of the national Congress, and the decrees of the President of the Republic, at the latest, on the third day after the receipt thereof, causing them to be fulfilled in the territory where he exercises his functions.

3. To publish and cause to be fulfilled the decrees of the Departmental Assemblies.

4. To transmit to the Supreme Government the decrees of the Departmental Assemblies.

---

* The privilege of having their causes tried in a special Court, constituted for that purpose.

Art. 141. The Governors are the necessary and only channel of communication with the Supreme authorities of the Republic, excepting the case of charges made against themselves, and the official correspondence of the superior tribunals with the Supreme Court of justice, in judicial matters.

Art. 142. The attributions of the Governors of Departments are:

1. To return to the Departmental Assembly within eight days, their decrees, when they may deem them in conflict with these *bases* or the laws; and if they insist, they shall remit them likewise within eight days to the government for the effects prescribed in attribution 17, Art. 66, suspending their publication in the mean time.

2. To return for once and within eight days, to the Departmental Assemblies their decrees, which may not be in the case specified in the preceding Article, expressing the reasons which they may have to oppose them. If they insist upon them the Governor shall publish them indispensably.

3. To appoint the subordinate political authorities of the District.

4. To appoint the employés that may be established for the collection and disbursement of the revenue belonging to the Department. In this appointment they shall respect the claims of the actual employés.

5. To present to the President of the Republic, with the concurrence of the Departmental Assembly, candidates for the appointment of superior magistrates, learned judges and *asesores*, hearing in all cases, the *informes* of the superior tribunals.

6. To exercise with respect to the employés of the Department the same faculty which is conferred upon the President by attribution 8 of Article 87, and to impose fines upon those who fail in respect for them, in the cases and in the mode which the laws may dispose.

7. To see that justice be promptly administered in the Department in the same manner that the President of the Republic is bound to do.

8. To be President by right of office of the Departmental Assembly, with the right to vote therein, and the casting vote in case of an equal division, unless the votation should be in the exercise of the electoral power.

9. To dispose of the police force for the purposes of its institution.

10. To be the chief of the Departmental treasury, and in general to exercise the supervision thereof which the law grants him.

11. To grant license for public literary and benevolent associations,

and to revise their regulations, reforming in them whatever may be in conflict with the laws, or contrary to public order.

Art. 143. The military force shall furnish to the Governors the aids which they may stand in need of for the preservation of order in their departments.

Art. 144. The secondary laws,* and the decrees which the Departmental Assembly may issue by virtue of the attributions conferred upon them by these *bases*, shall designate the powers and duties of the Governors according to the foregoing *bases*.

Art. 145. The Governors in their civil causes, shall be judged in *first* and *second* instance by the Superior tribunals of the Departments in which they exercise their functions, or of those whose Capital shall be nearest, at the option of the actor (plaintiff).

---

*The laws enacted by Congress in pursuance of the legislative power granted in the *Bases Organicas*.

ADMINISTRATION OF JUSTICE.

MEXICAN LAW OF 23D MAY, 1837, ENTITLED,

Provisional Regulation for the administration of justice in the Courts and tribunals of ordinary jurisdiction.

[PRELIMINARY OBSERVATIONS.]

In the administration of justice in Mexico, parties litigant are generally allowed, in the proper cases and by appeal, two or three distinct trials or hearings before different Courts, called *first*, *second* and *third instancia*, or instance.(1) The Judge who first hears and decides the cause is called the Judge or Court of First Instance. If he be the Judge who takes cognizance of all judicial matters, except those confided to some special tribunal, he is called the ordinary Judge, or as he would be denominated by American lawyers, the Judge or Court of *general jurisdiction*. The Ministers of the superior tribunals of all the Departments, except Mexico, are by the Act above mentioned divided into two *Salas*, (or benches) the Second *Sala* having cognizance of causes in *Second Instance* by appeal from the Judges of First Instance, and the First *Sala* having cognizance in the *Third Instance* by appeal from the Second.

It is enacted, that in the Capitals of Districts, and also in those Capitals of *Partidos* which shall be designated by the Departmental junta, provided the population of the whole Partido be not less than

---

(1) See post, Arts. 135 to 141.

20,000, there shall be subordinate Judges and Courts for the dispatch of civil and criminal causes in First Instance, the number of Judges to be designated by the Governor and Departmental *junta*. These inferior Judges, where there are more than one, are to be divided into two Courts; one for the dispatch of civil causes, and the other for the dispatch of criminal causes exclusively. The civil Judges are also to take cognizance of criminal incidents in a cause, and the criminal Judges, of civil incidents. Articles 75 to 86 treat of the mode of appointing these Judges, their salaries, fees, notaries, commissaries, mode of filling vacancies, oath of office, etc.

Art. 86. None of the Judges of First Instance shall have power to act, either in civil or criminal cases, without a public Notary; (*Escribano publico*) and only in case there be none absolutely, or in cases so urgent that they do not admit of the attendance of the *Escribano*, they shall have power to act by *receptoria** with assisting witnesses; afterwards passing over the proceedings to the proper offices, to which shall also be restored all the papers and *expedientes* which may have been taken out.

Art. 87. The cognizance and jurisdiction of the Judges of First Instance shall be absolutely limited to the judicial business of their territory.

Art. 88. All suits and causes, civil or criminal, of whatsoever class or nature they may be, shall be prosecuted and substantiated necessarily before the proper Judge of such territory in First Instance, excepting the cases in which ecclesiastics and soldiers ought to enjoy *fuero*† conformably with the Constitutional and other laws in force.(1)

Art. 89. No demand, civil or criminal, respecting injuries purely personal, can be admitted, unless it be accredited with the proper certificate that the process of conciliation has been previously attempted.

Art. 90. From the preceding Article are excepted verbal processes, those of contest in case of collative advowsons, and other ecclesiastical causes of the same class, which admit not the compromise of parties interested; causes which interest the public Treasury, the funds of *propios* of the *Pueblos*, public establishments, minors, those deprived of the administration of their property and vacant inheritances. Likewise the process of conciliation is not previously to take place in order to compel the payment of any kind of contributions or imposts, national as well as municipal, or of any debts which have the same origin. Neither is it requisite in order to institute the summary or most summary interdict of possession, the denouncement of *new works*, or a *retracto*;* nor to procure the execution of inventories, and partition of inheritances, nor in other urgent cases of the like nature; but if afterwards there should be occasion to interpose a complaint in form, which should give rise to a contested suit, then the process of conciliation will have to precede it, which, however, will not take place in the *concursos* to enable creditors to demand the sums due them; but it will be necessary where any citizen has occasion judicially to demand payment of a debt, although it is founded upon a public document (*escritura publica*†).

---

* By a person or persons specially commissioned for the purpose.

† The right to have their causes determined by a special tribunal created for privileged persons of that class.

(1) See post decrees of 15th July, 1839, and March 2d, 1843.

Art. 91. Of the causes and suits exceeding the value of one hundred dollars, and not exceeding two hundred, the Judges shall take cognizance by written process conformable to law, but without appeal, the parties having recourse of nullity‡ before the superior tribunal, when the laws which regulate the process shall have been contravened. This recourse shall be interposed before the Judge himself, in the terms and for the purposes provided in Article 141.

Art. 92. Any person whosoever, that shall be despoiled or disturbed in the possession of anything profane or spiritual, be the aggressor an ecclesiastic, layman, or military person, may apply to the learned Judge§ for restitution and protection, cognizance being taken in these applications by means of the most summary process, which corresponds, and even by the plenary process of possession, if the parties move it, with appeals to the respective superior tribunal, the trial of the question of property being reserved to the competent Judges.

Art. 93. The Judges of First Instance in the respective territories shall take cognizance by prevention with the Alcaldes of the formation of inventories, the perpetuation of evidence, and other judicial proceedings of the like nature, in which there is, as yet, no opposing party.

---

* Right of re-purchase reserved in the contract of sale.

† An instrument in writing, in legal form, executed before an *Escribano publico*.

‡ See post, Art. 141; also, 5th Constitutional Law, Art. 22, Sub. 3.

§ *Juez letrado*, (i. e. the Judge of First Instance).

Art. 94. They shall likewise take cognizance of such civil and criminal causes about common crimes as may occur against the Alcaldes of their territory.

Art. 95. Every sentence of first instance in criminal causes shall be immediately notified to the accuser and accused, and if either of them shall appeal, such causes shall be transmitted without any delay to the superior tribunal, the parties being previously cited.

Art. 96. If the accuser and the accused shall be content with the sentence, and the cause be one respecting light offences, for which the law does not impose corporal punishment, the Judge shall execute the sentence; but if the cause be one respecting crimes for which that punishment is inflicted, the process shall be transmitted to the superior tribunal, the time for appeal having expired, although the parties may not interpose it, they being previously cited.

Art. 97. In all civil causes in which, according to the laws, the appeal ought to take place in both effects, this being admitted simply and fully, the original acts (*autos*) shall be transmitted to the superior tribunal, at the cost of the appellant, the parties interested being previously cited, in order that they may appear and make use of their rights; but if said recourse be admitted only in the devolutive effect, and not in the suspensive, such transmission shall not take place until after the execution of the judgment, whatever practice may have prevailed to the contrary.

Art. 98. The Judges of first instance, in the place of their residence, there being no superior tribunal in the same place, shall in public make the general and weekly examinations of prisons upon the days referred to in Articles 58 and 59 of this law, and in the manner provided in Article 60, two members of the Ayuntamiento likewise assisting, without vote, at the general examinations, and giving account monthly to the superior tribunal of the result. They shall likewise pass to the prison whenever any prisoner demands an audience, and shall hear whatever he may have to say.

Art. 99. The inferior Judges shall likewise report to the respective superior tribunals, all the causes instituted for crimes committed in their respective territory, within the third day at the latest after the commencement of such causes. Likewise they shall transmit to the said tribunals every three months a general list of those concluded in this time, and of those which shall be pending in their *juzgados*, (courts) expressing the state they are in, and the dates when commenced.

CHAPTER V.

Of the Alcaldes and Justices of the Peace.

Art. 100. To the Alcaldes of the Ayuntamientos, and to the Justices of the Peace of the places whereof the population amounts to a thousand souls or more, it belongs exclusively to exercise in their territory with respect to every class of persons, without any exception, the office of conciliators according to what is provided in Article 29 of the Sixth Constitutional law.

Art. 101. It belongs likewise to the same Alcaldes and Justices to take cognizance of and determine, in their respective Pueblos, all the verbal processes which occur, with the exception of those where ecclesiastics and military persons may be sued.

Art. 102. It belongs also to the said Alcaldes and Justices to grant in contested cases such orders of the most urgent nature as do not allow time to apply to the Judge of first instance; in a like case, to take the first steps in criminal causes, and to practice such measures as the respective tribunals and courts of first instance may commit to their charge.

Art. 103. Of the attributions comprehended in the three preceding articles, the Justices of the Peace of places containing less than a thousand souls, shall exercise only that of taking such steps as well, in civil as in criminal cases, as from their urgency do not give time to apply to the nearest respective authorities.

Art. 104. In order to verify the process of conciliation, he who has to substantiate any civil demand, the value whereof exceeds one hundred dollars, or any criminal one respecting serious injuries purely personal, shall apply to the competent Alcalde or Justice of the Peace, praying him verbally that he order the person who is to be sued to be summoned, in order that the process of conciliation be proceeded with; and the Alcalde or Justice of the Peace shall immediately issue the citation, in which shall be indicated the object of the demand, the day, hour and place of appearance, and admonition shall be given, as well to the plaintiff as to the defendant, to attend each with his arbitrator, (*hombre bueno*) who must be a citizen in the exercise of his rights, and over twenty-five years of age.

Art. 105. It shall be the duty of the defendant to attend at the session, in compliance with the summons of the Alcalde or Justice of the Peace; but if he shall not do so, a second summons shall be issued for his appearance on a day to be designated anew, under a penalty of from two to ten dollars; and if he should even then not appear, the means of conciliation shall be considered as tried, the process being regarded as concluded, and from the defendant shall be irremissibly exacted the fine with which he was threatened.

Art. 106. Likewise the means of conciliation shall be deemed to have been tried, and this process to be concluded, if the defendant appear before the Alcalde or Justice of the Peace in pursuance of the first or second citation, and shall say that he renounces the benefit of conciliation.

Art. 107. In the two cases treated of in the two preceding Articles, the corresponding record shall be made in the proper book, to be signed in the first case by the Alcalde or Justice of the Peace, by the plaintiff, and by the *Escribano* if there be one, and if there be not, by two assisting witnesses; and in the second case, by the Alcalde or Justice of the Peace, and by the plaintiff and defendant; and whenever the latter does not attend, but renounces the said benefit, it shall indispensably be done in writing.

Art. 108. When the parties do attend in person, or by persons rightfully representing them, to execute the trial of conciliation, the Alcalde, or Justice of the Peace, shall make themselves acquainted with what the parties have to expose respecting the demand, and the latter having withdrawn, the Alcalde or Justice of the Peace shall hear the opinion of the *hombres buenos*, and shall pronounce in continuation, or within eight days at farthest, the sentence which to him may seem proper in order to avoid the lawsuit, and bring about the agreement of the parties.

Art. 109. Each Alcalde or Justice of the Peace shall have a book entitled—Book of Conciliations—in which shall be entered a succint account of what may be done in the processes of conciliation according to what is provided in the preceding Article, setting down in continuation the conciliatory sentence dictated by the Alcalde or

Justice of the Peace, which shall be made known to the parties interested in the presence of the *hombres buenos*, so that they may declare whether or not they agree to it, which shall likewise be set down in the proceedings to be signed by the Alcalde or Justice of the Peace, by the *hombres buenos*, and by the parties interested.

Art. 110. When the parties are content with the sentence, there shall be given to them the certified copies of the proceedings recorded, which they may ask for in order that it may be carried into effect by the corresponding authority; if either of the parties be not agreed to the sentence, there shall be given him by the Alcalde or Justice of the Peace, a certification that conciliation has been attempted and that the parties are not agreed, the parties interested paying only the cost of these certificates in the usual form.

Art. 111. In the same *Book of Conciliations* shall be entered the proceedings provided for in Art. 107. This book shall be archived when the term of office of the Alcaldes and Justices of the Peace shall be ended.

Art. 112. The fines treated of in Art. 105, shall be paid into the treasuries of the respective Ayuntamientos, in order that with the amount, thereof they may be aided in defraying the expense of the books which are to be furnished to the Alcaldes and Justices of the Peace.

Art. 113. The Alcaldes and Justices of the Peace shall determine by verbal process, civil demands not exceeding one hundred dollars, and criminal ones respecting trifling injuries, and similar faults, which do not merit any other punishment than a slight reprehension or correction.

Art. 114. He who has to substantiate one of these demands shall apply to the competent Alcalde or Justice of the Peace, presenting the same to him verbally, and the latter shall cause the defendant to appear, reminding both parties to bring respectively, their *hombre bueno*, who must possess the qualifications mentioned in Art. 104.

Art. 115. In verbal processes the *Escribano* shall attend, if there be one, and if not, then two assisting witnesses; and after the Alcalde or Justice of the Peace and the *hombres buenos* shall have acquainted themselves with the plaintiff's demand, and the defendant's exceptions, the parties having withdrawn, the Alcalde or Justice of the Peace shall hear the opinion of the *hombres buenos*, and in continuation, or within eight days at most, shall pronounce his definitive judgment, which shall be ordered to be carried into execution by the same Alcaldes or Justices, or by any other authority to whom shall be presented the due authentication of the said judgment.

Art. 116. In a book to be entitled—*Book of Verbal Processes*—shall be entered a brief relation of what occours in these processes, setting down in continuation the definitive judgment pronounced in the case, and this record shall be signed by the Alcalde or Justice of the Peace, by the *hombres buenos*, by the parties interested, and by the *Escribano* or assisting witnesses. This book shall also be archived upon the expiration of the term of office of the Alcalde or Justice of the Peace.

Art. 117. From the definitive judgments pronounced in verbal processes, there can be no appeal or other recourse except that of responsibility against the Alcaldes and Justices of the Peace, to be taken before the respective Superior tribunals; *provided* that in said processes no fees shall be collected, but merely the cost of the certificates which may be given.

Art. 118. The proceedings treated of in Articles 103 and 104 shall be practiced by the Alcaldes and Justices of the Peace, indispensably before an *Escribano* if there be one, and for want thereof, before two assisting witnesses.*

Art. 119. When the proceedings that may be moved before the Alcaldes or Justices of the Peace relate to the retention of effects of a debtor who is attempting to conceal them, or to the interdiction of a new work, or to other matters of the like urgent character, the said Alcaldes and Justices of the Peace shall immediately give the corresponding order, in order to avoid the evils of delay, and shall direct the parties interested to proceed in continuation to try the process of conciliation.

---

*Comp. Arts. 86, 107, 115 and 116.

CHAPTER VI.

GENERAL PROVISIONS.

Art. 120. In every criminal cause the sentence in the second instance shall be executed, if it be conformable in all respects with the first, or if the parties consent thereto.

Art. 121. In criminal causes there cannot be less than two *instances*, even though the accuser and the accused be agreed to the first sentence.

Art. 122. All witnesses who are to be examined in any cause whatsoever, civil or criminal, shall be examined indispensably by the tribunals or Judges having cognizance thereof; and if the witnesses reside at other places, they shall be examined by the Judge or Alcalde of their place of residence.

Art. 123. Every person, of whatsoever class, *fuero* and condition he may be, when he may be called upon to depose as a witness in a criminal cause, is obliged to appear for that purpose before the Judge having cognizance thereof, without any need of a previous permission from the Superior Chiefs.

Art. 124. The confronting of witnesses with the defendant shall only be practiced when the Judge shall determine that it is absolutely necessary for the verification of the truth.

Art. 125. As well the confrontations in cases within the purview of the preceding Article, as the ratifications,* shall take place in the summary process immediately after the witness has been examined; causing the accused to appear, in order that the witness may know him, and citing the witness for the ratification of his testimony at the same time, which must be practiced as soon as the former has retired.

Art. 126. When summary information precedes the apprehension of the delinquent, as soon as this is verified, and the preparatory declaration of the accused is taken, the witnesses who may have been examined, shall be cited for the purpose referred to in the preceding Article.

Art. 127. There shall not be issued any citation whatever which either has no reference to the crime, or which may be deemed usele or impertinent to the discovery of the truth.

---

* By the witnesses of their depositions, as written down.

Art. 128. Also, when the exceptions interposed by the accus have no relation to the crime, or can in no manner have the effect t mitigate its gravity, or if they be unreasonable or improbable, the shall be absolutely overruled, without opening the cause for proof; i which case, the summary proceeding being concluded and the accus being previously cited, and also the *Fiscal** in the Superior tribunal the process shall be delivered to the advocate or defender of the form in order that within the term of three days, he may answer to th charge; the which being done, the definitive sentence shall be pr nounced.

Art. 129. When any person accused shall have fled, he shall n be cited by *edictos* and *pregones*,† but there shall only be issued lette requisitory of his apprehension, and there shall be dictated the mea sures convenient to accomplish it, suspending in the meantime, an after the verification of the crime, and all the circumstances attendi it, the further progress of the cause, to be continued as soon as th apprehension shall be effected.

Art. 130. The appointment of guardian shall be omitted when th accused is under twenty-five and over seventeen years of age.

Art. 131. In the cases where the plenary trial ought to take place, the cause shall be opened for proof for a brief term, which may be e larged, according to the circumstances of the case, not exceedi forty days; and only in case that witnesses are to be examined o other evidence taken at distances so considerable that this term wi not be sufficient, it may be extended to sixty, *provided* that again the lapse of the said periods, there shall be no restitution or oth recourse.

Art. 132. When the accused shall interpose, from any interloc tory order, an appeal or other recourse, whereof account must b transmitted to the tribunal of second or third instance, the progress o the cause shall not be suspended; and to that end, if the origin actuations pertaining to the recourse interposed cannot for that reas

---

[*] The State's Attorney.

[†] *Edictos*—Judicial notification posted in the customary places. *Pregones*—Procl mations made by the *Pregonero*, or Public Crier.

transmitted, order shall be given to make out the proper exemplifications for the purpose.

Art. 133. In all civil and criminal causes, the interlocutory sentence shall be pronounced within the precise term of three days; and the definitive shall be pronounced by the Superior tribunals within fifteen days, computed from the time when the hearing was concluded, and by the Judges of first instance within eight days after the conclusion of the cause.

Art. 134. No prisoner condemned for robbery can be placed in the military service by any authority.

Art. 135. In suits where the title to property is in issue, in plenary suits for possession, and in every other civil case where the subject in controversy exceeds the value of four thousand dollars, the third instance(1) shall have place, if the parties interpose the appeal, even when the judgment in second instance (*vista*) is conformable with the first.

Art. 136. In the same suits, if the subject be of less value than four thousand dollars, the judgment in second instance shall be executed if it be in all respects conformable with the first, that is, if the judgment of *vista* (of the court of second instance) absolutely adds or takes away nothing which can alter the substance or intrinsic merits of the first judgment, so that neither the condemnation to pay costs nor any other order of a like nature can be alleged in opposition to such conformity.

Art. 137. In the same suits, if the amount in controversy do not exceed one thousand dollars, the judgment in second instance shall likewise be carried into execution, whether it confirm or revoke that of first instance.

Art. 138. In all cases in which by the provisions of the two preceding Articles the third instance is denied, it shall, however, be allowed, if the party interposing this appeal shall present new instruments, making oath that he has discovered them since the rendition of the judgment, and that previously he neither had them nor knew of their existence, notwithstanding his having used all proper diligence.

Art. 139. In executive processes (*juicios ejecutivos**) and the most summary process to recover possession, the second instance shall have place whenever the parties appeal, the recourse being admitted only in the devolutive effect, and transmitting the proceedings to the superior in the terms provided in the second clause of Article 97; *provided* that the third *instance* cannot take place; but the sentence of second instance shall be immediately executed, whether it confirm or revoke that of the inferior Judge; the recourse of responsibility, and the ordinary and plenary processes as regulated by law, remaining still to the parties unaffected.

---

(1) See Preliminary Observations.

* Certain summary suits in which the process of execution and attachment of the defendant's property initiates the proceedings.

Art. 140. The law respecting supplications of 16th May, 182[illegible] and that of 4th September, 1824, are abolished; and in the cases therein referred to, there shall only remain to the parties the recourse of nullity, or responsibility against the Magistrates and Judges who may have denied the supplication or appeal.

Art. 141. The recourse of nullity shall only be interposed from a definitive sentence which causes execution, and within the precise term of eight days, computed from the time of the notification of the sentence. The court which may have pronounced the final sentence, having admitted the recourse without any other requisite, shall order the sentence to be carried into effect, the party who obtained it giving the corresponding security to stand to the result, if the reposition of the process should be ordered, and shall transmit the proceedings to the tribunal which ought to take cognizance of the nullity, citing the parties interested. These recourses shall be substantiated with a single pleading (*escrito*) by each party, an audience of the *Fiscal*, and the arguments at bar.

Art. 142. The *Competencias*[*] which may occur in the courts and tribunals of the Republic shall be substantiated with entire conformity to the law of 19th April, 1818, observing with regard to criminal causes the provisions of Article 7 of the law of 28th August, 182[illegible], and the said questions of jurisdiction shall be decided by the proper tribunal, within the precise term of fifteen judicial days, computed from the day on which the proceedings may have been received from the contesting Judges, and without any other formalities, but the audience of the *Fiscal* and arguments at bar, if the parties apply therefor.

---

[*] Proceeding to determine conflicting claims to jurisdiction.

Art. 143. The Magistrates and Judges shall preserve to the advocates and defenders of the parties, that proper freedom which they ought to have in order to sustain the rights of their clients. They shall not be disconcerted nor interrupted when speaking during the sessions of the court, unless they be wanting in that respect and decorum which is due to the tribunal and to the parties.

Art. 144. No tribunal or Judge can deny to the parties an exemplification, at their own expense, of the record of any suit or cause after it is concluded, for publication, or the uses that may suit their convenience; excepting those causes which, from their nature, require reserve and secrecy.

Art. 145. All the tribunals and courts of the Republic shall be governed in future in the substantiation of suits, and the determination of civil and criminal matters, by the laws which ruled in the nation prior to the Constitution of the year 1824, so far as the same are not opposed to the constitutional bases and laws, or to this act.

Art. 146. From the preceding rule are excepted the matters and causes now pending, and those which may originate in acts or contracts respecting which special laws may have been enacted in the former States, all which shall be decided in conformity with the appropriate laws.

Administration of Justice in First Instance in places where there are no Jueces letrados of First Instance.

An act of the Mexican Congress of 15th July, 1839, on the subject provides as follows:

Art. 5. In cases of absolute vacancy, or of the absence, sickness, death, or any other legal impediment whatsoever, of the Judges of first instance, their places shall be supplied (until the superior tribunal, according to its powers, shall make suitable provision) by the Alcaldes of the Ayuntamientos of the proper chief towns, ([illegible] where there are no Alcaldes, by the Justices of the Peace, [illegible] the other in the order of their election, unless any one of them should be learned in the law, (*letrado*) in which case the [illegible] shall be preferred.

Also,

A decree of the Provisional Government making appointment of the Magistrates of the superior tribunals No. 604, under date March 6, 1843, provides (Art. 28) that in the Departments of the Californias, New Mexico and Tobasco, until the organization of the superior tribunals and appointment of the Magistrates thereof, as there prescribed, "the Governors of the said Departments shall take care that justice be there fully and punctually administered in first instance by the Judges of this grade, if there be such, or by the Alcaldes of the Ayuntamientos or the Justices of the Peace, as the case may be, consulting whenever necessary with an *asesor*, to which end the neighboring tribunals aforesaid, and the Governors respectively, shall render them all proper assistance, the Governors of the aforementioned Departments acting in concurrence with the former to that effect.